

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDALL KEITH BEANE AND  
HEATHER ANN TUCCI-JARRAF,

Defendants.

Case No.: 3:17-CR-82

**JURY VOIR DIRE,  
JURY INSTRUCTIONS,  
GOVERNMENT'S OPENING STATEMENT**

**EXCERPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE THOMAS A. VARLAN**

**January 23, 2018  
9:47 a.m. to 2:02 p.m.**

**APPEARANCES:**

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## Jury Voir Dire

1 (Excerpt of proceedings.)

2 (Prospective Jurors in at 9:45 a.m.)

3 THE COURT: If the middle section gets filled up,  
4 there's some seats, open benches on the far side of the  
5 courtroom as well.

6 All right. I think now we have all of our  
7 prospective jurors in the courtroom, and I want to thank you  
8 preliminarily for offering yourselves for jury service this  
9 morning. I'll explain more about your duties and roles as  
10 prospective jurors, but before we do that, I now need, although  
11 you've now -- you're now comfortably seated, those of you who  
12 have arrived for prospective jury service in this case, I need  
13 all of y'all to stand and raise your right hand to be sworn in  
14 as prospective jurors in this case.

15 (Prospective jurors duly sworn.)

16 THE COURTROOM DEPUTY: Thank you.

17 THE COURT: All right. Thank you. You may be  
18 seated.

19 Next, our courtroom deputy is going to call up 34 of  
20 you in our what's now the expanded jury box for -- to undergo  
21 initial questioning as prospective jurors in this case. We're  
22 going to refer to you by your juror numbers, as is the custom  
23 in this court -- in this courtroom.

24 So as you hear your number called, if you'll follow  
25 the instructions of our court security officer, but we're going

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1 to start with the temporary seats in front will be the first  
2 row and going back rows one through four. And then after the  
3 34 are up here, I'll explain it a little bit more how we're  
4 going to go about jury selection this morning.

5 THE COURTROOM DEPUTY: Juror 3, Juror No. 169,  
6 one-six-nine, 36, 158, 144, 184, 163, 222, 37, 167, 150, 126,  
7 114, 148, 124, 130, 35, 129, 104.

8 THE COURT: What's that number again, Julie?

9 THE COURTROOM DEPUTY: 104.

10 THE COURT: Thank you.

11 THE COURTROOM DEPUTY: 118, 151, 161, 108, 149, 135,  
12 137, 143, 32, 152, 131, 146, 28.

13 THE COURT: Thank you. I think we're getting all of  
14 our jurors who were not initially called up back in the middle  
15 section so that you can see me, the Court, while I'm asking  
16 questions. And I would say this to those prospective jurors  
17 still in the audience, as I ask -- my initial questions are  
18 going to be directed to those in our expanded jury box, but --  
19 and I know you'll do this anyway -- but just listen to the  
20 questions that the Court is asking, because if you need to be  
21 called up, not at the beginning, but midstream, the Court  
22 dismisses a juror and calls you up, I may not go back and ask  
23 all the questions that I've asked today, and I might catch you  
24 up in a little more rapid fashion. So if you have any  
25 particular responses to questions that the Court asks, just

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1 keep that in mind in case you're called up as a prospective  
2 juror.

3 Let me begin, just with a brief introduction. We're  
4 gathered here today to hear a criminal case, which is commenced  
5 by the United States, which I may refer to as the prosecution  
6 or the government, against the defendants in this case,  
7 Mr. Randall Keith Beane and Ms. Heather Ann Tucci-Jarraf.

8 Now, you should understand that the indictment  
9 against these defendants is simply a set of charges, and that  
10 it is not in any sense evidence of the allegations that it  
11 contains. The defendants have both pleaded not guilty to the  
12 indictment, and the government therefore has the burden of  
13 proving each of the essential elements of the indictment beyond  
14 a reasonable doubt. The purpose of this trial is to determine  
15 whether the government has met this burden.

16 There are three basic rules about a criminal case,  
17 which you must keep in mind.

18 First, the defendants are presumed innocent unless  
19 and until proven guilty. Again, the indictment against the  
20 defendants by the government is only an accusation, nothing  
21 more. It is not proof of guilt or anything else. The  
22 defendants therefore start out with a clean slate.

23 Second, the burden of proof is on the government  
24 throughout the entire case. The defendants have no burden to  
25 prove their innocence or to present any evidence or to testify.

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1 Since the defendants have the right to remain silent, the law  
2 prohibits you from considering that either or both defendants  
3 may not have testified in arriving at your verdict.

4 And, third, the government must prove the defendants'  
5 guilt beyond a reasonable doubt.

6 I'll give you further instructions on this point  
7 later, but bear in mind that in this respect a criminal case is  
8 different from a civil case.

9 Now, the purpose of this stage of the proceedings,  
10 sometimes referred to more formally as the voir dire process,  
11 but the jury questioning process, is ultimately to pick a fair  
12 and impartial jury, a jury of 14 individuals, 12 primary jurors  
13 and two alternates to hear this case.

14 It's also designed to enable the Court to determine  
15 whether any prospective jurors should be excused for cause.  
16 For example, you know something about this case, you know the  
17 individuals involved in some fashion, or there's some other  
18 reason that you, for purposes of this case, could not function  
19 in a fair and impartial manner, or you may have an  
20 irreconcilable scheduling conflict, which we'll also address  
21 momentarily.

22 The purpose of this process is also to enable the  
23 parties, the government and the two defendants, to exercise  
24 their individual judgment with respect to what are called  
25 peremptory challenges, that is, challenges for which no reason

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1 need be given. Each side has a certain number of peremptory  
2 challenges. In addition, each side can challenge for cause, by  
3 which I mean each side can ask a juror be excused for a  
4 specific reason.

5 If you are excused by the Court or by either side  
6 through this process, I hasten to add, please don't feel  
7 offended or feel your honesty or integrity is being questioned.  
8 It certainly is not. This is simply the process that our  
9 Federal Rules of Criminal Procedure provide for us to pick a  
10 jury in a criminal case.

11 Now, in this case, the Court, as allowed by the  
12 Federal Rules of Criminal Procedure, is going to conduct all  
13 the voir dire or jury questioning itself, but the Court has  
14 given the parties the opportunity to submit proposed questions  
15 to the Court. So the Court has taken those submissions as well  
16 as the questions normally asked by the Court and the Court will  
17 be conducting all of the jury questioning in this case.

18 I also want to add on the front end, if you wish to  
19 give an answer to any question in a more private fashion, as  
20 opposed to in open court as we are here, then you may do so  
21 only in my presence, the presence of the parties, and the court  
22 reporter.

23 For example, and this doesn't often happen, but  
24 sometimes it does, if an answer involves a matter you consider  
25 private or personal or involves an opinion you feel is so

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1 strong that it might disqualify you as a juror, then you may  
2 answer the question in that more private fashion as I've just  
3 described. And if that's the case, just get my attention when  
4 a question is asked.

5 We're going to use a microphone when we -- if there  
6 are individual answers to questions, we're going to pass a  
7 microphone among you, so that way, everyone, particularly the  
8 Court and the parties, can hear your answers.

9 But let me begin with -- by giving you an overview of  
10 what this case is about. I'm going to do that by summarizing  
11 the indictment, again, hastening to add that the indictment is  
12 not in any way at all any evidence of guilt. Again, it's just  
13 a -- the charge brought by the government.

14 But I'm going to summarize the indictment by telling  
15 you that in this case, the indictment contains seven counts,  
16 which I'll, again, summarize in more detail momentarily.

17 Counts 1 through 5 only apply to the defendant,  
18 Randall Keith Beane, and charge wire fraud in violation of 18  
19 United States Code Section 1343. Count 6 also applies only to  
20 the defendant, Mr. Beane, and charges bank fraud in violation  
21 of 18 United States Code Section 1344. Finally, Count 7 of the  
22 indictment applies to both the defendant, Mr. Beane, and the  
23 defendant, Ms. Heather Ann Tucci-Jarraf, and charges conspiracy  
24 to commit money laundering in violation of 18 United States  
25 Code Section 1956(h).

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1           Now, to summarize in a little more detail, Counts 1  
2 through 5 of the indictment charge that in or about July 2017,  
3 the defendant, Randall Keith Beane, initiated a scheme to  
4 obtain funds that did not belong to him by exploiting the  
5 online banking options of the United Services Automobile  
6 Association or USAA. The indictment also alleges that as part  
7 of this scheme, the defendant, Mr. Beane, purchased jumbo  
8 certificates of deposit with funds that did not belong to him,  
9 using both fictional bank accounts and real routing numbers  
10 that did not belong to him, and in doing so, transmitted  
11 signals and sounds by wire communication in interstate  
12 commerce.

13           Count 6 of the indictment charges from on or about  
14 July 5 to July 11, 2017, the Defendant Beane devised a scheme  
15 to defraud financial institutions and to obtain money and other  
16 property of financial institutions by means of false and  
17 fraudulent pretenses, representations, and promises. This  
18 scheme allegedly consisted of the Defendant Beane purchasing  
19 certificates of deposit with money that did not belong to him,  
20 altering financial instruments without permission or authority,  
21 and liquidating the certificates of deposit to obtain money and  
22 property fraudulently and for his own benefit.

23           Finally, Count 7 of the indictment charges that in or  
24 about July 2017, the defendants, Randall Keith Beane and  
25 Heather Ann Tucci-Jarraf, entered into a conspiracy to commit

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1 the following crimes against the United States:

2 First, knowingly conducting financial transactions  
3 affecting interstate commerce that involve the proceeds of wire  
4 fraud and bank fraud, intending to promote that unlawful  
5 activity.

6 Second, knowingly conducting financial transactions  
7 affecting interstate commerce that involve the proceeds of wire  
8 fraud and bank fraud, knowing these transactions were designed  
9 to conceal the nature of the proceeds of that unlawful  
10 activity.

11 And, third, knowingly engaging in monetary  
12 transactions involving a financial institution and affecting  
13 interstate commerce where the property involved had a value  
14 greater than \$10,000 and was derived from wire fraud and bank  
15 fraud.

16 Now, again, keeping in mind that these are only  
17 allegations and are not proof of the allegations themselves,  
18 but having heard that overview of the indictment, does anyone  
19 believe they know anything about this case, either through  
20 personal knowledge via something you've heard or read or by  
21 discussing it with someone else?

22 Any prior knowledge, at least to your knowledge,  
23 based on just what I've told you so far about this case?

24 Yes, Juror 151. We'll pass the microphone there.

25 PROSPECTIVE JUROR 151: I was just reading, like, the

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1 upcoming cases just to see what I possibly would be involved  
2 with, and I did see this one.

3 THE COURT: So you read something in the newspaper  
4 that might have been reported about --

5 PROSPECTIVE JUROR 151: Yeah, there's a lot of  
6 articles online.

7 THE COURT: Again, it's not necessarily unusual for  
8 someone to have read or have some knowledge of the case,  
9 newspaper articles.

10 The real question is, can you put aside whatever you  
11 may have read or heard about this case beforehand -- and this  
12 is a question I'll ask in a little more detail later, but can  
13 you put aside what you may have heard or read about the case  
14 and, if selected as a juror in this case, decide the case  
15 solely on the evidence that's presented during the course of  
16 this trial?

17 PROSPECTIVE JUROR 151: Yeah, I think I can.

18 THE COURT: Okay. Any hesitation in that regard?

19 PROSPECTIVE JUROR 151: No.

20 THE COURT: Okay. Thank you.

21 Anybody else believe they may have read or heard  
22 something about this case in any fashion?

23 All right. The trial of this case, the parties have  
24 anticipated, is to last up to four days. That would take us  
25 through this week. But, you know, sometimes things happen in

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1 the trial, and sometimes I have to interrupt the trial to  
2 handle other matters unrelated to this case and we have to take  
3 longer breaks than usual.

4 So with the four days in mind, but also looking -- go  
5 ahead and think into the beginning of next week, at least the  
6 first day of next week, if not the second day, I don't think  
7 we'll go that far, but just the rest of this week and the  
8 beginning of next week.

9 You know, obviously, you're here, you've been  
10 summoned here, but, you know, certainly, I want you to  
11 understand, and I know you appreciate that jury service is not  
12 only a responsibility, but a right and a privilege afforded in  
13 this country and the right to a jury afforded to those alleged  
14 to have undertaken criminal activity. And I know sometimes  
15 there are conflicts, and we'll address those, but hopefully we  
16 can work around those, too, if someone may have a conflict.

17 But does anyone believe, given that proposed trial  
18 schedule, from a work standpoint, a family standpoint, a  
19 schooling standpoint, or any other standpoint the Court may  
20 have overlooked, does anybody have any problems potentially  
21 with sitting over the next -- the rest of this week and  
22 potentially in the beginning of next week?

23 Let me first see a show of hands. Just one. All  
24 right. Juror 144.

25 PROSPECTIVE JUROR 144: I have a scheduled business

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1 trip that I'm supposed to be leaving town on Thursday.

2 THE COURT: Okay. And that's prescheduled and --

3 PROSPECTIVE JUROR 144: Yes, sir.

4 THE COURT: -- paid for, so on and so forth? Then  
5 we'll dismiss you for purposes of this case. The Court does  
6 have several scheduled trials on its calendar for the first  
7 quarter of this year, so we'll bring you back for one of those.  
8 Juror 144 is excused.

9 Is there anybody else?

10 Yes, Juror No. 32.

11 PROSPECTIVE JUROR 32: Hi. I own and operate a small  
12 bakery, and I'm a big part of the production, and I just don't  
13 think I could leave it up to the rest of my staff to do what  
14 has to be done.

15 THE COURT: Is it a small business with --

16 PROSPECTIVE JUROR 32: It is.

17 THE COURT: -- with limited staff?

18 PROSPECTIVE JUROR 32: Yes.

19 THE COURT: Do you think if we had another trial  
20 that's only going to last one or two days, you could do that?

21 PROSPECTIVE JUROR 32: Perhaps, yes.

22 THE COURT: Why don't we save you for that then. You  
23 may be excused.

24 PROSPECTIVE JUROR 32: Thank you.

25 THE COURT: Anybody else need to talk about any

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1 scheduling conflicts?

2 All right. Certainly, I appreciate everyone's  
3 potential willingness to serve over the next four or five days  
4 or so.

5 Let me go ahead then and call up -- and the first  
6 juror -- the next juror called up will sit on the front row and  
7 the second juror called up will sit on the back row.

8 THE COURTROOM DEPUTY: Juror 34, Juror 132.

9 THE COURT: Let me -- hold onto the microphone. Let  
10 me just go ahead while Juror 132 is getting seated, let me ask  
11 Juror 34 and 132, start with scheduling, any scheduling  
12 difficulties you need to bring to the Court's attention in  
13 terms of potential service in this case?

14 Yes, Juror 34?

15 PROSPECTIVE JUROR 34: I also have a business  
16 conference that I'm going to Thursday through Monday that's  
17 already been planned and scheduled.

18 THE COURT: All right. Then we'll save you for one  
19 of the other upcoming trials.

20 Juror 132, any scheduling difficulties?

21 All right. Shaking her head no.

22 Any prior knowledge of this case, as far as you know?

23 PROSPECTIVE JUROR 132: No, sir.

24 THE COURT: All right. Thank you. Juror 34, you're  
25 excused, and we'll call up an additional juror.

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1 THE COURTROOM DEPUTY: 107.

2 THE COURT: Good afternoon, Juror 107. Any  
3 scheduling difficulties?

4 PROSPECTIVE JUROR 107: No, sir.

5 THE COURT: Thank you. Any prior knowledge of this  
6 case?

7 PROSPECTIVE JUROR 107: No, sir.

8 THE COURT: All right. Thank you.

9 Returning to the jury panel as a whole, somewhat as a  
10 corollary to what I've been asking about scheduling, is there  
11 any member of the panel who has any special disability or  
12 problem that would make it difficult or impossible for you to  
13 serve as a member of the jury?

14 For example, you know, sometimes people have  
15 difficulty sitting for long periods of time. We usually --  
16 it's a little unstructured this morning, but, typically, we'll  
17 start trial at nine o'clock, take a mid-morning break, lunch  
18 break, mid-afternoon break, and finish 5:00 to 5:30.

19 But does anybody have any issues in terms of making  
20 it difficult or impossible for you to serve?

21 Yes, Juror 222?

22 PROSPECTIVE JUROR 222: May I come up in private,  
23 please?

24 THE COURT: Yes, you may.

25 Anybody else have any -- while she's coming up -- you

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1 can just make your way, ma'am. Make your way around here to  
2 the corner.

3 PROSPECTIVE JUROR 222: Yes, sir.

4 THE COURT: Anybody else have any issues in that  
5 regard?

6 All right. I'm going to talk to Juror 222  
7 separately.

8 (Bench conference begins.)

9 PROSPECTIVE JUROR 222: I have a thyroid condition,  
10 and I do not feel that I am eligible to be a juror because of  
11 this condition and because of the side effects of  
12 [unintelligible].

13 THE COURT: All right. Is that something that has to  
14 be -- they're monitoring by medication.

15 PROSPECTIVE JUROR 222: I'm going to a specialist at  
16 the end of March. There's the soonest they could get me in.  
17 That way -- an endocrinologist to see if they can get things  
18 elevated. But it's causing side effects, and I don't feel that  
19 I should be --

20 THE COURT: And the side effects you're pointing to  
21 are tiredness, fatigue, difficulty concentrating, among  
22 other --

23 PROSPECTIVE JUROR 222: Right.

24 THE COURT: We'll go ahead and excuse you.

25 PROSPECTIVE JUROR 222: Okay.

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1 THE COURT: If you're called again for jury service,  
2 you can let the jury administrator know where you are in that  
3 regard.

4 PROSPECTIVE JUROR 222: Okay. All right. Thank you  
5 very much.

6 (Bench conference concluded.)

7 THE COURT: The Court has excused Juror 222. We'll  
8 call up an additional juror at this time.

9 THE COURTROOM DEPUTY: 31.

10 THE COURT: Thank you, Juror 31. Good morning. Any  
11 scheduling difficulties or any other difficulties in terms of  
12 prospectively serving in this case?

13 PROSPECTIVE JUROR 31: No, sir.

14 THE COURT: Any difficulties with the schedule as  
15 outlined by the Court?

16 PROSPECTIVE JUROR 31: No.

17 THE COURT: All right. Thank you very much.

18 Have I missed anybody about scheduling difficulties  
19 or issues regarding service?

20 All right. Thank you.

21 Now, I'm going to introduce the parties and counsel  
22 in this case in just a moment.

23 But before I do that, I want to inform you that the  
24 defendants in this case, Mr. Beane and Ms. Tucci-Jarraf have  
25 chosen to represent themselves, which is their constitutional

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1 right under our United States Constitution. They have been  
2 informed that the law does not allow me to assist them or to  
3 relax the rules of evidence and procedure that apply to the  
4 trial of this case.

5 Further, the fact that the defendants in this  
6 criminal trial have chosen to represent themselves must not  
7 enter into your deliberations if you are selected as a juror.

8 So let me ask you, would the fact that the defendants  
9 are representing themselves cause anyone on the panel to be  
10 less than fair and impartial as a juror to either side in this  
11 case?

12 Thank you.

13 The Court has also -- and I'll make these  
14 introductions as well -- since the defendants have exercised  
15 their right to represent themselves, the Court has also  
16 appointed the defendants standby or what's sometimes referred  
17 to as elbow counsel.

18 The role of standby counsel is to provide the  
19 defendants with whatever assistance they may seek throughout  
20 the trial. It is up to the defendants to determine how, if at  
21 all, they wish to use the guidance or skills of their standby  
22 or elbow counsel in this case.

23 Will the fact that the defendants have been appointed  
24 elbow counsel cause anyone on the panel to be less than fair  
25 and impartial as a juror to either side in this case?

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1 And you understand -- and, again, it's up to the  
2 defendants, but they may present their case in their entirety,  
3 they may utilize elbow counsel in some fashion to assist them,  
4 or they may otherwise consult with elbow counsel.

5 Does everyone understand that? And that would not  
6 enter into your deliberations in any way as well?

7 All right. Thank you.

8 All right. Let me begin, I'm going to make the  
9 introductions, but I am going to ask counsel for the government  
10 to introduce those who are with them.

11 But the counsel for the government today is  
12 Ms. Cynthia Davidson. If you'll stand and Ms. Anne-Marie  
13 Svolto.

14 And, Ms. Davidson, if you'll introduce those who are  
15 with you.

16 MS. DAVIDSON: Yes, Your Honor.

17 Seated at counsel table is the representative from  
18 the FBI, Mr. Parker Still. He's a special agent with the FBI.  
19 And behind him is Jimmy -- or James Durand, special agent with  
20 the FBI. And then Shannon Green, she is a paralegal in our  
21 office, and she's assisting me today with jury selection. And  
22 Ms. Jeanette Sorey, and she's a paralegal in our office, and  
23 she'll be assisting me with the trial itself.

24 And, Your Honor, I do know one of the jurors.

25 THE COURT: Okay. Thank you. Could you tell me the

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1 Juror number.

2 MS. DAVIDSON: Yes, it's XXXXXXXXXXXXXXXXXXXX. We've  
3 known each other for about 19 years. I haven't seen her in ten  
4 or so years, but I would consider us friends.

5 THE COURT: Well, and that was going to be my next  
6 question after I do the introductions. Let me just hold off  
7 and introduce everybody, and then I'll address that.

8 Moving around the room, one of the defendants in this  
9 case is Ms. Heather Ann Tucci-Jarraf.

10 Ms. Tucci-Jarraf, if you'll just stand briefly, so  
11 you can be recognized. Thank you.

12 And her elbow or standby counsel is Mr. Francis  
13 Lloyd.

14 And then the other individual defendant in this case  
15 is Mr. Randall Keith Beane.

16 And his elbow or standby counsel is Mr. Stephen  
17 McGrath.

18 Now, my follow-up question is going to be, does  
19 anyone know any of the individuals who have been introduced?

20 Juror 184, it sounds like you have a friendship  
21 relationship with Ms. Davidson. Is that correct?

22 PROSPECTIVE JUROR 184: Yes.

23 THE COURT: And given that description, you may be  
24 able to otherwise be fair and impartial, but given what she  
25 said, I think it would be appropriate to dismiss you as a juror

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1 for purposes of this case and save you for either a civil case  
2 or criminal case in which she's not involved. So Juror 184 is  
3 excused.

4 PROSPECTIVE JUROR 184: Okay. Thank you.

5 THE COURT: Let's go ahead and call up another juror,  
6 and then I'll ask the rest of the questions.

7 THE COURTROOM DEPUTY: 145.

8 THE COURT: Good morning, Juror 145. I'm going to  
9 back up a little bit. Going back to our scheduling, any  
10 scheduling difficulties or any other difficulties in serving as  
11 a juror in this case serving the next four to six days?

12 PROSPECTIVE JUROR 145: No, sir.

13 THE COURT: All right. Thank you. Any previous  
14 knowledge of this case based on the Court's description?

15 PROSPECTIVE JUROR 145: No.

16 THE COURT: Now, to the panel as a whole, you've seen  
17 the introductions of those who will be involved in this case,  
18 either as parties or counsel for the parties or representatives  
19 of the parties, besides the one juror that we've already  
20 addressed, does anyone else know any of the lawyers or parties  
21 in this case or related to them in any fashion or had any  
22 business dealings with them in the past?

23 Thank you.

24 Now, to the panel as a whole, have you ever served  
25 previously as a juror in a criminal or civil case or as a

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1 member of a grand jury, either the federal or state court?

2 Previous jury experience, let me just see a show of  
3 hands initially.

4 Got a few. Why don't we just start on row one here,  
5 Juror 31. What I'm basically going to ask you, ultimately,  
6 what I want to find out if there's anything about that previous  
7 jury experience that would make it difficult or impossible for  
8 you to function fairly and impartially in this case, but I also  
9 want to, for purposes of allowing the parties to exercise their  
10 peremptory challenges, I wanted to ask you about that previous  
11 jury experience in terms of where it was, when it was, civil or  
12 criminal case, and so on.

13 So Juror 31.

14 PROSPECTIVE JUROR 31: It was probably about 30 years  
15 ago in Morristown. It was just a -- it was a criminal case.

16 THE COURT: And do you recall what type of criminal  
17 case?

18 PROSPECTIVE JUROR 31: It was just a hit-and-run type  
19 thing.

20 THE COURT: And did it -- did you deliberate as a  
21 juror --

22 PROSPECTIVE JUROR 31: Yes.

23 THE COURT: -- and reach a verdict? And what -- do  
24 you recall what the verdict was?

25 PROSPECTIVE JUROR 31: It was guilty.

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 THE COURT: Anything about that experience some time  
2 ago that would cause -- give you any inhibitions about serving  
3 in this case?

4 PROSPECTIVE JUROR 31: No, sir.

5 THE COURT: Was that in state court, I assume?

6 PROSPECTIVE JUROR 31: Yes, I think so.

7 THE COURT: Thank you.

8 Anybody else on the first row? I think there are  
9 hands on the second row, going back.

10 Juror No. 150, just relate to us your previous jury  
11 experience.

12 PROSPECTIVE JUROR 150: Yes, sir. I served in Loudon  
13 County, I guess it was October or September of last year, and  
14 it was a criminal case.

15 THE COURT: What type of case?

16 PROSPECTIVE JUROR 150: It was a first-degree murder.

17 THE COURT: And did the case go to jury  
18 deliberations?

19 PROSPECTIVE JUROR 150: Yes, sir.

20 THE COURT: And what was the verdict?

21 PROSPECTIVE JUROR 150: Guilty.

22 THE COURT: Is there anything about that experience  
23 that would make it difficult for you to be a fair and impartial  
24 juror in this case?

25 PROSPECTIVE JUROR 150: No, sir.

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 THE COURT: Thank you. Anybody else on the second  
2 row raise their hand?

3 Yes, pass the microphone down to Juror 124.

4 PROSPECTIVE JUROR 124: I have been summonsed -- this  
5 is my fourth summons. I've never actually served on, but I was  
6 questioned and went before to be picked.

7 THE COURT: Okay. So it was -- do you -- was that in  
8 state court or federal court?

9 PROSPECTIVE JUROR 124: State and federal -- no  
10 federal, just state.

11 THE COURT: Do you recall if it was civil or criminal  
12 cases?

13 PROSPECTIVE JUROR 124: Yes. Both.

14 THE COURT: Both. So, basically, you underwent  
15 questioning, as you're doing here today, but ultimately weren't  
16 picked for whatever reason?

17 PROSPECTIVE JUROR 124: Correct.

18 THE COURT: Okay. Thank you. Anything about that  
19 experience itself, even though you never served as a juror in  
20 an actual trial, anything about your experience as a  
21 prospective juror that would interfere in any way with  
22 functioning as a fair and impartial juror in this case?

23 PROSPECTIVE JUROR 124: No.

24 THE COURT: Thank you. Go back to the third row, who  
25 raised their hand?

UNITED STATES DISTRICT COURT



## Jury Voir Dire

1 We'll start with Juror No. 129.

2 PROSPECTIVE JUROR 129: It was probably three to four  
3 years ago. It was in Claiborne County. And I was on it twice,  
4 two different cases, and they were both guilty.

5 THE COURT: Both criminal cases?

6 PROSPECTIVE JUROR 129: Yeah.

7 THE COURT: Do you recall what type of criminal  
8 cases?

9 PROSPECTIVE JUROR 129: One was the -- was over  
10 marijuana, and the other was -- was kind of like a domestic  
11 kidnapping thing.

12 THE COURT: Nothing related to the allegations in  
13 this case?

14 PROSPECTIVE JUROR 129: No.

15 THE COURT: All right. Anything about that  
16 experience that would -- that you believe would make it  
17 difficult for you to function as a fair and impartial juror in  
18 this case?

19 PROSPECTIVE JUROR 129: No.

20 THE COURT: Okay. Thank you.

21 Anybody else on what I'm referring to as row three?

22 How about the last row? Did we see any hands there?

23 Thank you. Juror 132.

24 PROSPECTIVE JUROR 132: I served in Knox County  
25 probably 13 or 14 years ago, and the defendant was an attorney.

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 And the plaintiff was accusing him of not representing her, and  
2 she had had some damages for not being represented, and I think  
3 we found him not guilty. It's been a while ago.

4 THE COURT: So let me ask, do you recall if it was a  
5 civil case or criminal?

6 PROSPECTIVE JUROR 132: Civil.

7 THE COURT: Civil.

8 PROSPECTIVE JUROR 132: Civil, yes.

9 THE COURT: So you found for the defendant --

10 PROSPECTIVE JUROR 132: Yes.

11 THE COURT: -- against the plaintiff? Okay. And  
12 anything about that experience that would inhibit your ability  
13 to serve impartially today?

14 PROSPECTIVE JUROR 132: No, sir.

15 THE COURT: All right. Thank you. Any -- have I  
16 missed anybody with previous jury experience in any fashion?

17 Thank you.

18 All right. My next question, and, again, if anyone  
19 wants to answer this question in a more private fashion, as you  
20 saw me do with the one juror earlier, just let me know, but  
21 this case, we typically ask and during jury questioning in a  
22 criminal case, the question is, has any member of the panel at  
23 any time been involved in a criminal matter in any federal or  
24 state court which concerned yourself, any member of your  
25 family, or a close friend, either as a defendant, a witness, a

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## Jury Voir Dire

1 victim, or in any other fashion?

2 In other words, direct experience yourselves, family  
3 member, or close friends of which you may have been aware with  
4 with the criminal justice system in the state or federal  
5 courts?

6 I see one hand on the back row and one on the front.  
7 See a couple hands. We'll start with Juror 145.

8 PROSPECTIVE JUROR 145: Can I come up?

9 THE COURT: Yes. Let me -- before you come up, let  
10 me just see -- who else raised their hand?

11 Juror 161, do you mind answering with the microphone?

12 PROSPECTIVE JUROR 161: My son was here for a DUI.  
13 We went through --

14 THE COURT: State court somewhere?

15 PROSPECTIVE JUROR 161: It was here in Knox.

16 THE COURT: Oh, here.

17 PROSPECTIVE JUROR 161: Uh-huh. It was, I guess, the  
18 city.

19 THE COURT: Okay. And did you assist him, and did  
20 it -- was there a trial or just a --

21 PROSPECTIVE JUROR 161: No.

22 THE COURT: -- plea agreement of some sort?

23 PROSPECTIVE JUROR 161: Yeah. It's just they showed  
24 up, and, you know, we showed up a couple times, and then they  
25 finally presented and made their decision, and that was it. It

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## Jury Voir Dire

1 wasn't a trial.

2 THE COURT: From an assistance standpoint, were you  
3 involved in discussions with --

4 PROSPECTIVE JUROR 161: Uh-uh, no.

5 THE COURT: -- prosecutors or anyone else or --

6 PROSPECTIVE JUROR 161: No.

7 THE COURT: Okay. And do you -- do you feel that --  
8 kind of a broad question. Do you feel your son was treated  
9 fairly by the criminal justice system?

10 PROSPECTIVE JUROR 161: Uh-huh.

11 THE COURT: And based on his experience or your  
12 involvement with him during that experience, would that  
13 interfere in any way with your ability to be fair and impartial  
14 to both sides in this case?

15 PROSPECTIVE JUROR 161: No.

16 THE COURT: Okay. Thank you.

17 I think there was a hand on the back row. Want to  
18 come up here too. Okay.

19 Anybody else involved with the criminal justice  
20 system?

21 Let's go back this way and keep track. I know Juror  
22 145 would like to have a side conference and Juror No. 146  
23 would. So let me see. Juror 118. And then who else? Juror  
24 137.

25 PROSPECTIVE JUROR 137: I was -- I went to court once

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1 for a DUI back 20 years ago.

2 THE COURT: Do you recall what court that was?

3 PROSPECTIVE JUROR 137: It was in Pinellas County,  
4 Florida.

5 THE COURT: Okay. And was there some sort of plea  
6 arrangement as a result of that?

7 PROSPECTIVE JUROR 137: No. It was -- I was in the  
8 wrong, and I knew it, so I just pleaded guilty and took my  
9 lumps.

10 THE COURT: There was no trial or anything?

11 PROSPECTIVE JUROR 137: No. No. No. Not a trial.

12 THE COURT: And again, you heard me ask, do you feel  
13 like you were treated fairly by the criminal justice system in  
14 that case?

15 PROSPECTIVE JUROR 137: I'd say so, yeah.

16 THE COURT: All right. Given that limited  
17 involvement with the criminal justice system some years ago,  
18 would that interfere in any way with your ability to be fair  
19 and impartial to both the government and defendants in this  
20 case?

21 PROSPECTIVE JUROR 137: Oh, yes, sir.

22 THE COURT: It would not interfere?

23 PROSPECTIVE JUROR 137: Oh, no, it would not.

24 THE COURT: All right. Let me see, any other hands  
25 that -- Juror, is it 124? We'll pass the microphone down here

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## Jury Voir Dire

1 to the second row.

2 PROSPECTIVE JUROR 124: It was a domestic assault  
3 charge where I was -- had to come in and testify what happened.

4 THE COURT: And if you don't mind me asking, did you  
5 testify as a victim or as a witness?

6 PROSPECTIVE JUROR 124: As a victim.

7 THE COURT: Do you recall what court that was in?

8 PROSPECTIVE JUROR 124: It was in Knox County Court.

9 THE COURT: And was it during a trial that you  
10 testified?

11 PROSPECTIVE JUROR 124: No. It was just a -- they  
12 did it before litigation.

13 THE COURT: And was it -- did -- what was the result?

14 PROSPECTIVE JUROR 124: He was -- he was found  
15 guilty.

16 THE COURT: Okay. And that was your only  
17 involvement?

18 PROSPECTIVE JUROR 124: Yes.

19 THE COURT: Did you feel that you were treated  
20 fairly, in this case as a victim, by the criminal justice  
21 system?

22 PROSPECTIVE JUROR 124: Oh, absolutely, I felt very  
23 fair.

24 THE COURT: And given that exposure to the criminal  
25 justice system, in essence, do you think -- would you be able

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1 to set that aside and judge this case based solely on the  
2 evidence presented in this case and function as a fair and  
3 impartial juror to both sides?

4 PROSPECTIVE JUROR 124: Absolutely.

5 THE COURT: All right. Thank you.

6 All right. Besides Juror 145, 146, and 118, have I  
7 missed anybody else?

8 All right. Let's start with Juror 145, if you'll  
9 come up here. And we'll allow the parties and counsel for the  
10 parties to come up as well.

11 (Bench conference begins.)

12 THE COURT: Mr. Lloyd, you can get right here.

13 All right. So this is Juror 145, and, again, I  
14 allowed the parties or counsel for parties to come up, too, so  
15 they can hear these questions to see if there's any follow-up,  
16 so if you can go ahead and relate.

17 PROSPECTIVE JUROR 145: Okay. I've been involved  
18 with a couple of criminal cases a few years back for theft.  
19 One was in Knox County and one in Anderson County where I was  
20 the defendant, and then once in Knox County with an aggravated  
21 assault case where I was the victim.

22 THE COURT: Okay. So let's maybe separate those out.  
23 In the cases where you were the defendant, you were charged  
24 with theft in those two counties?

25 PROSPECTIVE JUROR 145: Uh-huh.

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1 THE COURT: And did -- answer yes or no so she can --

2 PROSPECTIVE JUROR 145: Oh, yes, I was.

3 THE COURT: And did the case go to trial or was it --  
4 what happened?

5 PROSPECTIVE JUROR 145: No. I pled to both of them.  
6 Maybe the first one I kind of didn't agree with, but I was just  
7 young and did what my attorney told me to do.

8 THE COURT: Okay. About how long ago were those?

9 PROSPECTIVE JUROR 145: The one -- the first one  
10 maybe eight years ago. The other one maybe three years.

11 THE COURT: Okay. Do you feel like you were treated  
12 fairly by the criminal justice system in those two cases?

13 PROSPECTIVE JUROR 145: Maybe not the first.

14 THE COURT: Not the first one. Which county was  
15 that?

16 PROSPECTIVE JUROR 145: Anderson.

17 THE COURT: And just kind of why do you say that?

18 PROSPECTIVE JUROR 145: I just feel like I didn't,  
19 like, fully understand everything that was going on.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 145: And maybe I just did  
22 something stupid.

23 THE COURT: And in the second case, how do you feel  
24 you were treated?

25 PROSPECTIVE JUROR 145: It was fine.

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## Jury Voir Dire

1 THE COURT: Okay. All right. And -- all right.  
2 Let's now go over to the -- you said you were also involved as  
3 a victim in a case. Tell me about that.

4 PROSPECTIVE JUROR 145: I appeared for -- to be a  
5 witness, and they -- I talked to a special prosecutor, and she  
6 never contacted me again. I never heard anything about it.

7 THE COURT: So what kind of case were you a witness  
8 in?

9 PROSPECTIVE JUROR 145: It was like where an  
10 ex-boyfriend of mine had assaulted me when I -- pretty badly.  
11 And he went to jail, obviously, but I don't think he stayed  
12 there very long.

13 THE COURT: So he was charged --

14 PROSPECTIVE JUROR 145: Yes.

15 THE COURT: -- with an assault in some fashion  
16 against you?

17 PROSPECTIVE JUROR 145: Uh-huh.

18 THE COURT: And then you spoke with someone with the  
19 state?

20 PROSPECTIVE JUROR 145: She was from Nashville, I  
21 believe.

22 THE COURT: From a victim standpoint?

23 PROSPECTIVE JUROR 145: Uh-huh.

24 THE COURT: But you were never called to testify?

25 PROSPECTIVE JUROR 145: Uh-uh.

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## Jury Voir Dire

1 THE COURT: Do you know if that case went to trial?

2 PROSPECTIVE JUROR 145: I do not.

3 THE COURT: But you know he -- the individual  
4 received some sentence through some means, either pleading  
5 guilty or --

6 PROSPECTIVE JUROR 145: I have no idea.

7 THE COURT: You say -- I think you said he went to  
8 jail for some short period of time?

9 PROSPECTIVE JUROR 145: He was in there for, I want  
10 to say, ten months or so. And I just -- I knew he got out  
11 because his father told me.

12 THE COURT: How do you feel like you were treated in  
13 that -- as a victim in that case?

14 PROSPECTIVE JUROR 145: I probably would have liked  
15 to have known what was going on, you know, more from like the  
16 court's standpoint of things. But it's kind of like I showed  
17 up and then I just never heard anything else.

18 THE COURT: All right. Now, with that background in  
19 mind, and you heard the allegations in this case, do you --  
20 does your involvement in those cases, either as a defendant or  
21 as a victim, do they give you any pause to function as a fair  
22 and impartial juror in this case?

23 PROSPECTIVE JUROR 145: Kind of. I feel like I  
24 wouldn't want to -- I wouldn't want to test it out, you know.

25 THE COURT: What do you mean by that?

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1 PROSPECTIVE JUROR 145: I mean, I wouldn't want to  
2 like -- I wouldn't want to say no and then later on, you  
3 know --

4 THE COURT: Does it -- how does it give you some  
5 pause or inhibition just hearing the evidence in this case?

6 PROSPECTIVE JUROR 145: Made me feel like I've been  
7 on kind of both sides of it maybe.

8 THE COURT: So you think it would -- it would cause  
9 you to struggle --

10 PROSPECTIVE JUROR 145: Yeah.

11 THE COURT: -- to be fair and impartial to both sides  
12 in this case? Is that what you're saying?

13 PROSPECTIVE JUROR 145: I do.

14 THE COURT: Okay. Why don't you go ahead and have a  
15 seat for a moment.

16 PROSPECTIVE JUROR 145: Okay.

17 (Bench conference concluded.)

18 THE COURT: Juror 146.

19 THE COURTROOM DEPUTY: 146.

20 (Bench conference begins.)

21 THE COURT: Morning.

22 PROSPECTIVE JUROR 146: Good morning. I don't know  
23 if this even --

24 THE COURT: Mr. Lloyd, do you want to come up so you  
25 can hear this?

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1 MR. LLOYD: Yes, Your Honor.

2 PROSPECTIVE JUROR 146: I had a brother that several  
3 years ago was involved with prescription fraud.

4 THE COURT: Prescription medication?

5 PROSPECTIVE JUROR 146: Yeah. And he did serve a  
6 prison sentence.

7 THE COURT: So he was charged with -- in some fashion  
8 related to --

9 PROSPECTIVE JUROR 146: Yeah, yeah.

10 THE COURT: -- illegal use or distribution --

11 PROSPECTIVE JUROR 146: I wasn't in the -- I mean, I  
12 went to some of his court things.

13 THE COURT: Appearances?

14 PROSPECTIVE JUROR 146: And I did write letters to  
15 try to have him released.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR 146: He served two and a half  
18 years, I think, of his eight-year sentence.

19 THE COURT: Do you recall what court he was charged  
20 in?

21 PROSPECTIVE JUROR 146: It was in Nashville, but I  
22 don't know.

23 THE COURT: A court in Nashville? Probably Davidson  
24 County?

25 PROSPECTIVE JUROR 146: Yeah, I think Davidson

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1 County, I believe, but --

2 THE COURT: Do you know if he went to trial or if he  
3 pled guilty? You may not know.

4 PROSPECTIVE JUROR 146: I don't know. Because  
5 every -- the time I did go, the time or two that I did go, they  
6 ended up -- like, it wasn't heard that day.

7 THE COURT: Got continued or something?

8 PROSPECTIVE JUROR 146: Yeah. It was like dismissed  
9 or -- I mean, canceled to another day or something of that  
10 nature.

11 THE COURT: So you never testified --

12 PROSPECTIVE JUROR 146: No, I never testified.

13 THE COURT: -- at trial?

14 PROSPECTIVE JUROR 146: I don't really even know any  
15 of the details. I just know he had to serve time.

16 THE COURT: This was your brother?

17 PROSPECTIVE JUROR 146: Yeah.

18 THE COURT: And then at some point --

19 PROSPECTIVE JUROR 146: This was back in like 2007.

20 THE COURT: -- you wrote letters either asking for  
21 lenient sentencing or to be relieved?

22 PROSPECTIVE JUROR 146: For him to have -- what is  
23 it, put on parole or whatever?

24 THE COURT: Put on parole?

25 PROSPECTIVE JUROR 146: Yeah.

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1 THE COURT: Okay. All right.

2 PROSPECTIVE JUROR 146: And I knew, you know, that  
3 was -- but I don't even know if that's what you're referring  
4 to.

5 THE COURT: Well, no, that's good. That follows up  
6 with my question. So let me ask you, do you feel -- first of  
7 all, do you feel your brother -- is it your brother, you said?

8 PROSPECTIVE JUROR 146: Uh-huh.

9 THE COURT: Do you feel he was treated fairly by  
10 the --

11 PROSPECTIVE JUROR 146: Oh, yeah.

12 THE COURT: -- criminal justice system?

13 PROSPECTIVE JUROR 146: I mean, he -- he was guilty.

14 THE COURT: And do you feel like -- I guess, you, as  
15 an -- as an individual, were treated fairly in terms of  
16 whatever your limited involvement was by the process?

17 PROSPECTIVE JUROR 146: Oh, yes. Yeah. Right.

18 THE COURT: Did your involvement, as a sibling or  
19 advocate for your brother, would that give you any inhibitions  
20 in terms of being fair and impartial to both sides in this  
21 case?

22 PROSPECTIVE JUROR 146: I have no issues with being  
23 fair.

24 THE COURT: You'd be able to listen --

25 PROSPECTIVE JUROR 146: Yes.

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1 THE COURT: -- to the evidence in this case --

2 PROSPECTIVE JUROR 146: Yes, Uh-huh.

3 THE COURT: -- and decide the case based solely on  
4 the evidence you hear in this case?

5 PROSPECTIVE JUROR 146: Yeah.

6 THE COURT: Okay. Thank you. You can go back.

7 (Bench conference concluded.)

8 THE COURT: Juror 118.

9 (Bench conference begins.)

10 THE COURT: Good morning.

11 PROSPECTIVE JUROR 118: I just wanted to let you know  
12 I had a DUI about five years ago.

13 THE COURT: And were you -- what court was that in?

14 PROSPECTIVE JUROR 118: It was Knox, yeah.

15 THE COURT: And did you go to trial?

16 PROSPECTIVE JUROR 118: It was a plea calendar. No,  
17 didn't go to trial.

18 THE COURT: You pled guilty in some --

19 PROSPECTIVE JUROR 118: Uh-huh, I did.

20 THE COURT: And was there -- were you in court much  
21 or was there much interaction with the government?

22 PROSPECTIVE JUROR 118: No, it was pretty simple.

23 THE COURT: Okay. And how did you feel you were  
24 treated by the criminal justice system?

25 PROSPECTIVE JUROR 118: I think it was fair.

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1 THE COURT: Okay. And would your involvement in that  
2 limited circumstance, would that interfere in any way with your  
3 ability to function as a fair and impartial juror in this case  
4 to both sides?

5 PROSPECTIVE JUROR 118: No.

6 THE COURT: Okay. Thank you.

7 All right. I'm going to excuse Juror 145 for cause,  
8 which was the first individual up here based upon her answers.  
9 And I believe juror 146 and 118 are otherwise qualified to  
10 continue as prospective jurors.

11 MS. DAVIDSON: I agree. Your Honor, at the close of  
12 jury selection, I'd like to move to strike something from the  
13 record. I accidentally said XXXXXXXXXXXX's name.

14 THE COURT: Okay.

15 MS. DAVIDSON: I'd like to strike that, because  
16 they've been publishing all the transcripts.

17 THE COURT: Thank you.

18 (Bench conference concluded.)

19 THE COURT: Thank you, everyone.

20 We're going to excuse Juror 145 and call up another  
21 prospective juror.

22 THE COURTROOM DEPUTY: 113.

23 THE COURT: Good morning. Hand her the microphone  
24 real quick. Let me just catch you up. We'll start -- go back  
25 to the beginning, start with scheduling. Any scheduling

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1 difficulties?

2 PROSPECTIVE JUROR 113: Yes. I'm a TA in a special  
3 ed classroom. And it was difficult enough for me to get off  
4 today and have a substitute, so...

5 THE COURT: Okay. And you've got class, obviously,  
6 through rest of this week and next week.

7 PROSPECTIVE JUROR 113: Yes. We have eight autistic  
8 kids that really thrive on the same person every day.

9 THE COURT: And so it may be better for you to serve  
10 in the summer when you're not in school?

11 PROSPECTIVE JUROR 113: I also work in the summer  
12 also.

13 THE COURT: Also work in the summer, same job. Well,  
14 we'll play it by ear, but given the expected length of this  
15 trial and given your duties this week, we'll excuse you.

16 PROSPECTIVE JUROR 113: I can do one to two days.  
17 That's probably about my length.

18 THE COURT: Thank you. We'll excuse Juror 113 and  
19 call up an additional prospective juror.

20 THE COURTROOM DEPUTY: 140.

21 THE COURT: Morning, Juror 140.

22 PROSPECTIVE JUROR 140: Morning.

23 THE COURT: Any scheduling or other difficulties you  
24 need to bring to the Court's attention?

25 PROSPECTIVE JUROR 140: Yeah. I have orthopedic

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1 surgery scheduled for this Friday.

2 THE COURT: Sounds like a pretty good excuse. All  
3 right. We'll excuse you to a future trial.

4 All right. Let's call up another juror.

5 THE COURTROOM DEPUTY: 136.

6 THE COURT: Good morning, Juror 136. Any scheduling  
7 issues or other issues --

8 PROSPECTIVE JUROR 136: No.

9 THE COURT: -- you need to bring to the Court's  
10 attention?

11 Any knowledge of this case or of the individuals who  
12 have been introduced?

13 PROSPECTIVE JUROR 136: Nothing other than what I've  
14 heard this morning.

15 THE COURT: Thank you. And any -- any -- the last  
16 question, any involvement with the criminal justice system?

17 PROSPECTIVE JUROR 136: No.

18 THE COURT: Any previous jury experience?

19 PROSPECTIVE JUROR 136: No.

20 THE COURT: Thank you. Now, returning to the panel  
21 as a whole, and this may be a -- somewhat a corollary follow-up  
22 to what I just asked, but has anyone had any particularly  
23 negative experience with the police or law enforcement or the  
24 criminal justice system, other than what we may have talked  
25 about in response to this last question? Anything in that

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1 regard?

2 And do any of you know anyone who's been actually  
3 prosecuted in federal court before?

4 Yes, Juror No. 28?

5 PROSPECTIVE JUROR 28: We -- a previous neighbor of  
6 ours was prosecuted in federal court for embezzlement.

7 THE COURT: And was that in the Eastern District of  
8 Tennessee?

9 PROSPECTIVE JUROR 28: Yes, sir.

10 THE COURT: Do you know -- were you involved in any  
11 way in terms of observing or learning about -- or otherwise  
12 following that case?

13 PROSPECTIVE JUROR 28: Followed the case, lived next  
14 door to the people, and minimal involvement, but some calls  
15 from the FBI.

16 THE COURT: Okay. And there may be witnesses from  
17 the FBI who testify in this case. Would that interfere in any  
18 way with your ability to function fairly and impartially?

19 PROSPECTIVE JUROR 28: No, sir.

20 THE COURT: Do you recall who the prosecutors were in  
21 that case in any fashion?

22 PROSPECTIVE JUROR 28: Prosecutors?

23 THE COURT: Yeah.

24 PROSPECTIVE JUROR 28: The United States government.

25 THE COURT: I mean, do you know who the -- like I've

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1 introduced in this case --

2 PROSPECTIVE JUROR: Oh, the actual attorneys?

3 THE COURT: -- Ms. Svolto, do you --

4 PROSPECTIVE JUROR 28: I don't recall, no.

5 THE COURT: To your knowledge, was it either of these  
6 two individuals?

7 PROSPECTIVE JUROR 28: It was not.

8 THE COURT: And, again, would that experience with  
9 respect to the experience involving your next-door neighbor,  
10 would that interfere in any way with your ability to hear the  
11 evidence in this case and decide this case based solely on the  
12 evidence in this case?

13 PROSPECTIVE JUROR 28: No, sir.

14 THE COURT: Okay. Thank you. And anybody else?

15 All right. I kind of asked that question  
16 specifically to Juror 28, but let me broaden it to the panel as  
17 a whole.

18 If you are selected to sit on this case, will you be  
19 able to render a verdict solely on the evidence presented at  
20 the trial and in the context of the law as I will give it to  
21 you and my instructions, disregarding any other ideas, notions  
22 or beliefs about the law that you may have encountered in  
23 reaching your verdict. Does everyone believe they will be able  
24 to do so?

25 All right. And do you have any opinion as to the

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1 guilt or innocence of the defendant as to the charges contained  
2 in the indictment at this time, or have you ever -- have you  
3 expressed an opinion as to the guilt or innocence of the  
4 defendant?

5 Usually, what I do here is pause for these questions,  
6 unless someone gets my attention, then we go on.

7 So, yes, Juror No. 152.

8 And if you do have an opinion in that regard, I don't  
9 want you to give it in open court. Let me just --

10 PROSPECTIVE JUROR 152: Right, right, right. I  
11 believe you said it had something to do with the USAA insurance  
12 company?

13 THE COURT: Yes. I'm --

14 PROSPECTIVE JUROR 152: That is my insurance company.

15 THE COURT: Okay. All right. Hold -- we'll get to  
16 that in just a moment, but we'll keep that in mind.

17 PROSPECTIVE JUROR 152: Okay.

18 THE COURT: But in terms of any opinion, would that  
19 influence your opinion in this case as to guilt or innocence?

20 PROSPECTIVE JUROR 152: Yes.

21 THE COURT: Okay. All right. Well, then let's go  
22 ahead and excuse you for purposes of this case, Juror No. 152.

23 Call up another prospective juror.

24 THE COURTROOM DEPUTY: 110.

25 THE COURT: Good afternoon, Juror 110. Any

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1 scheduling difficulties or other difficulties serving as a  
2 juror that you would need to bring to my attention?

3 PROSPECTIVE JUROR 110: No, sir.

4 THE COURT: And any previous knowledge of this case  
5 or the individuals who have been introduced?

6 PROSPECTIVE JUROR 110: No, sir.

7 THE COURT: Any involvement previously as a juror or  
8 with the criminal justice system in any regard?

9 PROSPECTIVE JUROR 110: (Moving head side to side.)

10 THE COURT: Do you know of any reason that you would  
11 be unable to render a verdict solely on the evidence presented  
12 at trial in this case?

13 PROSPECTIVE JUROR 110: No, sir.

14 THE COURT: All right. Thank you. All right. Going  
15 back to the last question I asked, does anyone have -- let me  
16 ask it again, do you have an opinion as to the guilt or  
17 innocence of the defendants as to the charges contained in the  
18 indictment at this time, or have you ever expressed an opinion  
19 as to the guilt or innocence of the defendants?

20 Thank you.

21 Has anyone talked to you or communicated with you in  
22 any way about this case or contacted you or attempted to  
23 contact you about the case?

24 All right. Next, do you or any member of your  
25 immediate family have any dealings with the United States

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1 government or any of its agencies or with the defendants from  
2 which you or they might profit in any way?

3 For example, sometimes someone has their -- works for  
4 or owns a company that has a contract with a governmental  
5 agency. Anybody or immediate family have any dealings with the  
6 government or the defendants?

7 Yes. Juror No. 158, get the microphone down to you.

8 PROSPECTIVE JUROR 158: My office does a lot of  
9 contract work with various government agencies.

10 THE COURT: And what office is that?

11 PROSPECTIVE JUROR 158: I work at Tennessee Valley  
12 Title, so it's mainly real estate dealings, typically with the  
13 State, but we have been involved in some federal projects.

14 THE COURT: Would that fact interfere in any way with  
15 your ability to be fair and impartial to both sides?

16 PROSPECTIVE JUROR 158: No, sir.

17 THE COURT: All right. Thank you. Next -- anybody  
18 else?

19 All right. Next, are any of you employed by the  
20 federal government or have a family member or close friend  
21 employed by the federal government, including as an assistant  
22 United States attorney or a federal law enforcement agent?

23 Just one hand.

24 And I'll broaden that to employment by State  
25 government or family member or close friend employed by State

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1 government, including as an assistant district attorney or  
2 police officer. So employment by you, yourself, family member,  
3 close friend with the federal or state government or law  
4 enforcement in any capacity.

5 Got a couple of hands. Let's go ahead and start on  
6 the front row with Juror 136.

7 PROSPECTIVE JUROR 136: I have a brother that is a  
8 police officer in Morgan County and a brother-in-law that is a  
9 detective in Franklin.

10 THE COURT: Okay. And do you understand there may be  
11 in this case, it sounds like, perhaps federal law enforcement  
12 testimony?

13 PROSPECTIVE JUROR 136: Yes.

14 THE COURT: And the fact that you have individuals in  
15 your family who are involved, it sounds like, with State  
16 governmental law enforcement agencies, would you be able to put  
17 that aside and, again, hear the evidence in this case and  
18 assess the credibility of any law enforcement agency who may  
19 testify just as you would any other witness in this case?

20 PROSPECTIVE JUROR 136: Yes.

21 THE COURT: And the fact that you have individuals in  
22 your family who are employed in law enforcement, would that  
23 interfere in any way with your ability to be fair and impartial  
24 to both sides in this case?

25 PROSPECTIVE JUROR 136: No.

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1 THE COURT: Thank you. Anybody else in the front  
2 row?

3 Juror 37.

4 PROSPECTIVE JUROR 37: Yeah. My stepmother served --  
5 or my stepmother retired out of IRS CID. We're not close. I  
6 haven't seen her in like 20 years.

7 THE COURT: Was retired as what?

8 PROSPECTIVE JUROR 37: IRS CID, criminal  
9 investigations.

10 THE COURT: Did you have any occasion to talk with  
11 her about cases she was involved with?

12 PROSPECTIVE JUROR 37: No. He married her after I  
13 moved to Tennessee.

14 THE COURT: So I take it what the answer to this  
15 might be, but let me ask it, would that relationship or her  
16 involvement in -- or her employment in that regard, would that  
17 interfere in any way with your ability to be fair and impartial  
18 to both sides?

19 PROSPECTIVE JUROR 37: No, sir.

20 THE COURT: Juror 167, did you raise your hand?

21 PROSPECTIVE JUROR 167: (Moving head side to side.)

22 THE COURT: Okay. Thank you.

23 Go to the second row. Do we have any?

24 Oh, one more in the front row. I think we're down  
25 all the way to the end, Juror 3. Yes, sir?

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1 PROSPECTIVE JUROR 3: Yes. I have a -- I have a  
2 brother-in-law and also multiple friends that are in law  
3 enforcement in the state of Florida, and I also do have a  
4 cousin that is with the FBI in Puerto Rico, sir.

5 THE COURT: Okay. And you've heard me ask the  
6 questions to other jurors, but would that fact or those facts  
7 interfere in any way with your ability to function fair and  
8 impartial in this case?

9 PROSPECTIVE JUROR 3: No, sir.

10 THE COURT: If someone from the FBI or any other law  
11 enforcement agency were to testify, would you be able to put  
12 aside those relationships you've described and assess that  
13 individual's credibility just like you would any other witness  
14 who may testify in this case?

15 PROSPECTIVE JUROR 3: Yes, sir.

16 THE COURT: And would you, again, otherwise be able  
17 to function fairly and impartially to both sides in this case?

18 PROSPECTIVE JUROR 3: Yes, sir.

19 THE COURT: Okay. Thank you.

20 Now, let's go to the second row. Did we have  
21 anybody, basically yourselves, family member, close friends  
22 employed by the federal, state government, or otherwise in law  
23 enforcement?

24 Nobody on the second row. We'll go to the third row.

25 Juror 161.

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1 PROSPECTIVE JUROR 161: My husband is retired  
2 military, but he is now currently employed with the Airport  
3 Authority. And we do have several close friends, one that does  
4 work in local law enforcement and a few that are in the FBI.

5 THE COURT: Again, let me ask the same questions I've  
6 been asking, would the fact -- would those relationships or  
7 those facts inhibit in any way your ability to function as a  
8 fair and impartial juror to both sides in this case?

9 PROSPECTIVE JUROR 161: No.

10 THE COURT: And would you have any inhibitions at all  
11 in assessing the credibility of law enforcement witnesses just  
12 as you would any other witness who may testify in this case?

13 PROSPECTIVE JUROR 161: No.

14 THE COURT: Thank you. Anybody else on row three?

15 If not, we'll go back to row four.

16 I know I see Juror 146. Go ahead and start with  
17 Juror 146.

18 PROSPECTIVE JUROR 146: I don't know if this matters,  
19 but I worked in -- at a bank and then a credit union for like  
20 12 years.

21 THE COURT: And I'll probably ask that specifically  
22 as to financial institutions.

23 PROSPECTIVE JUROR 146: Okay.

24 THE COURT: You used to be, you no longer?

25 PROSPECTIVE JUROR 146: No longer.

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1 THE COURT: What bank was that?

2 PROSPECTIVE JUROR 146: I've worked at AmSouth, which  
3 is no longer. I worked at Highlands Union, and I worked at TVA  
4 Credit Union.

5 THE COURT: Would the fact you worked for a financial  
6 institution, and, obviously, there are financial institutions  
7 involved in this case in some fashion, would that interfere in  
8 any way with your ability to function fairly and impartially?

9 PROSPECTIVE JUROR 146: No.

10 THE COURT: All right. Now, somebody else with  
11 respect to law enforcement or employment by the federal or  
12 state government?

13 Juror No. 132, is that right? No. I missed --  
14 what's your number?

15 PROSPECTIVE JUROR 110: 110.

16 THE COURT: Juror No. 110. Go ahead.

17 PROSPECTIVE JUROR 110: My mother is employed with  
18 the State, and she works as an assistant to the Attorney  
19 General in Union County, and my uncle is also a constable in  
20 Union County.

21 THE COURT: Would the fact -- would those facts  
22 interfere in any way with your ability to function fairly and  
23 impartially?

24 PROSPECTIVE JUROR 110: No, sir.

25 THE COURT: And would you be able to assess the

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1 testimony of any law enforcement witnesses who may testify in  
2 this case the same as you would any other witnesses?

3 PROSPECTIVE JUROR 110: Yes, sir.

4 THE COURT: And would you be able to put aside any  
5 conversations you may have had with those individuals about  
6 cases they're involved with and otherwise decide this case  
7 based solely on the evidence presented during the course of  
8 this trial?

9 PROSPECTIVE JUROR 110: Yes, sir.

10 THE COURT: All right. Anybody else?

11 Next, to the panel as a whole, have you ever had or  
12 do you now have or do you presently anticipate having any case  
13 against or any dispute with or claim against the United States  
14 government or the defendants?

15 Any lawsuits, claims, now or anticipated in the  
16 future?

17 Do you know of any reason why you may be prejudiced  
18 for or against the government or for or against either of the  
19 defendants because of the nature of the charges or otherwise?

20 All right. Thank you.

21 Is there anyone on the panel who thinks that the  
22 United States government should not regulate fraudulent conduct  
23 that causes wire communications in interstate commerce?

24 Anyone who believes that is not a proper role of the  
25 United States government?

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1           Is there anyone on the panel who thinks that Congress  
2 should not criminalize fraudulent conduct directed at banks  
3 insured by the Federal Deposit Insurance Company or FDIC?

4           Anyone who does not believe that is a proper role for  
5 the United States Congress?

6           All right. Next -- this may go back to one of the  
7 jurors earlier -- is there anyone on the panel who is a member  
8 of or who banks at USAA Federal Savings Bank?

9           Okay. Got several. Let's -- where is our  
10 microphone? Just pass that in front of you to Juror 161.

11           Let me expand that, either USAA Federal Savings Bank  
12 or Whitney Bank.

13           So go ahead, Juror 161.

14           PROSPECTIVE JUROR 161: My father was prior military,  
15 so I grew up with them having insurance, and that's who our  
16 insurance is. And we do do banking through them.

17           THE COURT: So that's one of the entities that's  
18 probably going to be mentioned in this case.

19           PROSPECTIVE JUROR 161: Uh-huh.

20           THE COURT: And the government may be alleging that  
21 some of the allegations as to the defendants relate to that  
22 particular bank.

23           Would that cause you any difficulties in stepping  
24 back and being fair and impartial to both sides in this case,  
25 particularly the defendants?

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1 PROSPECTIVE JUROR 161: No.

2 THE COURT: All right. Can you put aside the fact  
3 that either yourself or your family members may have utilized  
4 that bank for insurance or banking purposes, and, again, decide  
5 this case based solely on the evidence presented at the trial?

6 PROSPECTIVE JUROR 161: Yes.

7 THE COURT: Okay. Thank you.

8 Anybody else, I think to your left, did somebody  
9 raise their hand? Pass the microphone down to Juror No. 149.

10 No, I'm sorry, Juror No. 35. I think the microphone  
11 is right behind you.

12 PROSPECTIVE JUROR 35: Yes. I bank with USAA, and I  
13 have insurance with them as well.

14 THE COURT: Again, would that impact at all your  
15 ability, knowing that some of the allegations in the complaint  
16 or this case relate to involvement with activities directed at  
17 USAA Federal Savings Bank, would that interfere with your  
18 ability to function fairly and impartially?

19 PROSPECTIVE JUROR 35: No, sir.

20 THE COURT: Would you be able to put aside any  
21 banking association you may individually have with that bank  
22 and decide this case based solely on the evidence presented at  
23 the trial?

24 PROSPECTIVE JUROR 35: Yes.

25 THE COURT: Thank you. Anybody else?

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1 Juror No. 124.

2 PROSPECTIVE JUROR 124: My daughter was bit by a dog,  
3 and the insurance company that's handling the claim on that is  
4 USAA.

5 THE COURT: Is that currently?

6 PROSPECTIVE JUROR 124: Yes.

7 THE COURT: You have a claim against the dog's owner  
8 insured by --

9 PROSPECTIVE JUROR 124: Yes.

10 THE COURT: All right. Would that impact in any way  
11 your decision-making process?

12 PROSPECTIVE JUROR 124: No. It's a civil process.

13 THE COURT: All right. Again, would you be able to  
14 decide this case based solely on the evidence presented at the  
15 trial?

16 PROSPECTIVE JUROR 124: Yes.

17 THE COURT: Thank you. Anybody else on row two?

18 How about the first row? Got a couple hands on the  
19 first row.

20 Go down to Juror 169.

21 PROSPECTIVE JUROR 169: Same thing, USAA, you know,  
22 no, it shouldn't affect me.

23 THE COURT: Okay. You currently bank with them?

24 PROSPECTIVE JUROR 169: Yes.

25 THE COURT: All right. But that won't have any

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1 impact on your decision-making?

2 PROSPECTIVE JUROR 169: No, sir.

3 THE COURT: In this case? Thank you. Pass the  
4 microphone to your left. I think we had another hand.

5 Juror 136.

6 PROSPECTIVE JUROR 136: We currently bank, have our  
7 mortgage and insurance through them.

8 THE COURT: Through USAA?

9 PROSPECTIVE JUROR 136: Yes.

10 THE COURT: And would that impact in any fashion your  
11 decision-making process --

12 PROSPECTIVE JUROR 136: No.

13 THE COURT: -- in this case? Okay. Thank you.

14 Anybody else?

15 Again, same question as to Whitney Bank. I don't  
16 think we had any hands as to Whitney Bank, but I'll ask that  
17 again.

18 All right. Now, have you or any close family member  
19 ever worked in the banking industry itself, directly worked in  
20 the banking industry?

21 We've got several hands. We'll start with Juror 136.  
22 Tell us about that.

23 PROSPECTIVE JUROR 136: Yes. I worked for ORNL  
24 Credit Union for five years in their accounting department.

25 THE COURT: You did or you do?

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1 PROSPECTIVE JUROR 136: I did.

2 THE COURT: You no longer work there?

3 PROSPECTIVE JUROR 136: No.

4 THE COURT: Would that impact your --

5 PROSPECTIVE JUROR 136: No.

6 THE COURT: And some of you who worked in the banking  
7 industry obviously have some knowledge of aspects of -- at  
8 least within the sphere of your own job responsibilities how  
9 that works. But my question, as we go through this, and just  
10 so -- for purposes of everyone knowing what that involvement  
11 is, obviously, my question is, can you put aside any  
12 particularized knowledge you may have, and, again, decide this  
13 case based solely on the evidence you hear within the four  
14 corners of this courtroom?

15 PROSPECTIVE JUROR 136: Yes.

16 THE COURT: Next was Juror 107.

17 PROSPECTIVE JUROR 107: I worked as part-time teller  
18 when I was in college, so it's 50-something years ago.

19 THE COURT: And would that interfere in any way --

20 PROSPECTIVE JUROR 107: No.

21 THE COURT: -- with your ability to hear -- based --  
22 to decide this case based on the evidence you hear?

23 PROSPECTIVE JUROR 107: Would not enter -- influence  
24 me at all.

25 THE COURT: Thank you.

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1 Anybody else on the front row?

2 Juror 158?

3 PROSPECTIVE JUROR 158: My husband was employed  
4 through two different financial institutions for about the last  
5 five years.

6 THE COURT: Okay. What were the -- basically the  
7 jobs he did?

8 PROSPECTIVE JUROR 158: He was a banker.

9 THE COURT: Would that impact at all your  
10 decision-making process in this case?

11 PROSPECTIVE JUROR 158: No, sir.

12 THE COURT: Thank you. Pass -- unless there there's  
13 someone to your right on the front row, we'll go back to your  
14 left, Juror 167.

15 PROSPECTIVE JUROR 167: My dad was a banker for most  
16 of my childhood. He worked for First American. I don't think  
17 it will affect my decision-making.

18 THE COURT: Okay. Thank you. Anybody on row two?  
19 Juror No. 130.

20 PROSPECTIVE JUROR 130: My sister used to work for  
21 Bank of America about seven years ago.

22 THE COURT: Do you recall what role or capacity?

23 PROSPECTIVE JUROR 130: Teller.

24 THE COURT: All right. That would not have any  
25 influence on your decision-making process in this case?

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1 PROSPECTIVE JUROR 130: No, sir.

2 THE COURT: All right. Thank you.

3 Juror No. 124.

4 PROSPECTIVE JUROR 124: My brother-in-law is the  
5 president of Clayton Banks, and my best friend is a teller with  
6 BB&T. Would not affect me either way.

7 THE COURT: That's something you discuss with them in  
8 terms of what they do?

9 PROSPECTIVE JUROR 124: Never.

10 THE COURT: All right. Thank you. Anybody else on  
11 row two?

12 Let's go back, anybody on row three?

13 Right behind you, Juror 151.

14 PROSPECTIVE JUROR 151: I was a loan officer for  
15 Wells Fargo for about 15 years.

16 THE COURT: Okay. And how long ago? When was --

17 PROSPECTIVE JUROR 151: About --

18 THE COURT: When were you no longer?

19 PROSPECTIVE JUROR 151: 15 -- let's see, I quit in  
20 2002, I think.

21 THE COURT: Okay. And you were a loan officer, you  
22 said?

23 PROSPECTIVE JUROR 151: Yes, sir.

24 THE COURT: And would that impact at all your  
25 decision-making process in this case?

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1 PROSPECTIVE JUROR 151: No.

2 THE COURT: Put aside any knowledge you may --  
3 related to that job and decide this case based solely on the  
4 evidence you hear during this trial?

5 PROSPECTIVE JUROR 151: Yes, sir.

6 THE COURT: Okay. Thank you. And to your left was  
7 Juror 161.

8 PROSPECTIVE JUROR 161: Many, many years ago, I was a  
9 loan officer at Grissom Air Force Base and Credit Union. I  
10 also worked at banking in Kokomo, Indiana and -- as a teller,  
11 and then here in First Tennessee Bank, I was also -- worked  
12 there. But that was almost 20 years ago since I've been in it.  
13 We currently bank at a credit union, but...

14 THE COURT: What was your job at First Tennessee  
15 here?

16 PROSPECTIVE JUROR 161: First Tennessee, I was just  
17 banking teller at that time. I did have -- when I worked for  
18 the Blount County government as a chief deputy clerk, I did  
19 have some duties that involved doing financial -- representing  
20 the financial aspects with First Tennessee. But that was about  
21 25 years ago.

22 THE COURT: And, again, you've heard me ask this  
23 question, would your previous employment in some fashion with  
24 the banking industry, would you be able to put that aside and  
25 decide this case based solely on the evidence presented during

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1 the course of this trial?

2 PROSPECTIVE JUROR 161: Yes.

3 THE COURT: Thank you. Anybody else on row three?

4 How about row four?

5 Okay. Pass the microphone back to Juror 28.

6 PROSPECTIVE JUROR 28: My sister was a -- excuse me,  
7 my sister was a loan officer of a bank -- for a bank in  
8 Illinois. It was probably 30 years ago.

9 THE COURT: That wouldn't impact your decision-making  
10 process.

11 PROSPECTIVE JUROR 28: No.

12 THE COURT: Thank you. Anybody we missed?

13 All right. Now I'm going to a different category.

14 Anyone have any training in accounting or the law?

15 Couple hands. Looks like they're all limited to the  
16 front row. Pass the microphone down to the front row.

17 Training or experience in accounting or legal?

18 PROSPECTIVE JUROR: I've worked in accounting, and I  
19 have my master's of finance.

20 THE COURT: Okay. And are you currently working in  
21 accounting field?

22 PROSPECTIVE JUROR: I currently oversee the  
23 accounting department at my business.

24 THE COURT: Okay. And just generally, day-to-day,  
25 what -- kind of give me the one-sentence description of what

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1 you do.

2 PROSPECTIVE JUROR: Of what I do? I'm the director  
3 of finance, so I oversee the finance, accounting, and  
4 purchasing department of a distribution company. I don't see  
5 that being a problem.

6 THE COURT: That wouldn't -- you -- even with that  
7 accounting background, you would be able to decide this --  
8 listen to the evidence in this case, independently of any  
9 background you may have, and decide the case based only on the  
10 evidence you hear during the course of this trial?

11 PROSPECTIVE JUROR: I believe so, yes.

12 THE COURT: Thank you.

13 Anybody else in the front row? Juror 136.

14 PROSPECTIVE JUROR 136: I've worked in the accounting  
15 for about seven years and currently do AP processing.

16 THE COURT: When you worked with the accounting firm,  
17 what was your -- what were your responsibilities?

18 PROSPECTIVE JUROR 136: Mainly just processing vendor  
19 payments.

20 THE COURT: Would that past or current work, would  
21 that --

22 PROSPECTIVE JUROR 136: No.

23 THE COURT: -- impact at all your decision making  
24 process in this case?

25 PROSPECTIVE JUROR 136: No.

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1 THE COURT: Somebody else? Juror -- excuse me, juror  
2 158?

3 PROSPECTIVE JUROR 158: I'm an attorney primarily  
4 within real estate. We do represent some lenders within the  
5 real estate realm.

6 THE COURT: Okay. Your legal training or background,  
7 would that impact your decision-making process in this case?

8 PROSPECTIVE JUROR 158: No, sir.

9 THE COURT: You'd be able to decide this case based  
10 solely on the evidence presented during the course of the  
11 trial?

12 PROSPECTIVE JUROR 158: Yes, sir.

13 THE COURT: And be fair and impartial to both sides?

14 PROSPECTIVE JUROR 158: Yes, sir.

15 THE COURT: Anybody else?

16 All right. Next, and we may get some hands on this  
17 too, does anyone have any specialized knowledge or training in  
18 computer programming?

19 Just one hand so far. Hand it back to Juror 37.

20 PROSPECTIVE JUROR 37: I'm technical support for  
21 Apple.

22 THE COURT: Okay. And that would certainly count as  
23 specialized knowledge or training in computer programming.

24 And there may be some aspects of -- you know,  
25 technical aspects of computer programming and the like in this

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1 case. Can you kind of put aside your own specialized knowledge  
2 and listen --

3 PROSPECTIVE JUROR 37: Yes, sir.

4 THE COURT: -- only to the evidence presented during  
5 the course of this trial?

6 PROSPECTIVE JUROR 37: Yes, Your Honor.

7 THE COURT: And do you -- let me go ahead and as a  
8 follow-up, when you say specialized training, is that -- or in  
9 terms of your role with Apple, is that like you go to a  
10 particular businesses or you provide tech --

11 PROSPECTIVE JUROR 37: No, sir. I'm a home adviser.  
12 I do tech support via social media.

13 THE COURT: Okay. Thank you. And, again, would that  
14 background and training affect your ability to be fair and  
15 impartial toward either side?

16 PROSPECTIVE JUROR 37: No, sir.

17 THE COURT: All right. Next, is there anyone on the  
18 panel, and this may have already been encompassed by earlier  
19 questions, but given the nature of the allegations in this  
20 case, let me ask it to be clear, is there anyone on the panel  
21 who has been or who has had a family member or close personal  
22 friend who has been a victim of a financial crime or scheme?

23 All right. Nobody? All right. One hand maybe.  
24 Juror 3. Pass the microphone down.

25 PROSPECTIVE JUROR 3: Right now my family is going

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1 through with Western Union a lawsuit that is going on right  
2 now. I don't know if that makes a factor -- so, yeah.

3 THE COURT: Okay. That's related to generally --

4 PROSPECTIVE JUROR 3: Yeah. It was a -- something  
5 done on Craigslist, and we lost a large amount of money that  
6 we're trying to -- and they -- the U.S. government is trying to  
7 get those funds back to us.

8 THE COURT: Okay. Would that current ongoing  
9 litigation, based upon the knowledge of this case as the  
10 Court's described, would that impact your ability to be fair  
11 and impartial to both sides in this case in any way?

12 PROSPECTIVE JUROR 3: No, sir.

13 THE COURT: Okay. Anybody else?

14 All right. Next, who on the panel is familiar with  
15 Internet social media websites, like Facebook, MySpace,  
16 LinkedIn, or YouTube?

17 My question then, does everyone understand that  
18 websites like these provide opportunities to upload audio and  
19 video files to the Internet without verification or fact  
20 checking by others? Does everybody understand that?

21 Does anyone on the panel tend to believe everything  
22 you read, see, or hear on the Internet?

23 And does anyone on the panel maintain a blog?

24 Do any of you have any feelings or philosophical  
25 beliefs about the Internet that would prevent you from deciding

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1 this case based solely on the law and the evidence?

2 Thank you.

3 All right. Next, and again, this may have been  
4 encompassed by other questions I've asked you, have any of you,  
5 family members, or close friends had any difficult or  
6 unpleasant experiences with any agency of the federal  
7 government, including the FBI or the United States Attorney's  
8 Office, other than what we may have described in terms of cases  
9 you've been involved in?

10 Does any one of you, for whatever reason, have any  
11 strong personal feelings for or against the federal government?

12 Have any of you or your family members been involved  
13 in any proceeding with a federal or state governmental agency  
14 that has not been resolved to your satisfaction?

15 This is somewhat corollary to what I've asked you  
16 before, any of you, your family members, or close friends, to  
17 your knowledge, hold any beliefs, convictions, or prejudices  
18 against the laws of the United States generally, such as you  
19 could not sit as a fair and impartial juror in this case?

20 Another way of asking that, would you be able to  
21 listen to the legal instructions the Court gives you during the  
22 course of the trial, and particularly at the close of the  
23 trial, and decide the case, again, based on the facts as you  
24 decide them and the law as the Court gives to you?

25 Would everybody be able to do that?

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 All right. Some of the evidence in this case may  
2 include audio recordings of conversations, according to what  
3 the parties have told me. And some of the conversations that  
4 were recorded may be more audible than others.

5 Does anyone expect tapes, such as these, to feature  
6 what may be considered high quality or studio quality sound?

7 Would anyone expect intercepted and recorded  
8 conversations to be perfectly clear with the speakers using  
9 good diction and grammar before you would even consider  
10 recordings as evidence?

11 Does anyone have any concerns about your own ability  
12 to listen and hear -- listen to and hear audiotapes that may be  
13 introduced as evidence in this case?

14 All right. One of the elements the government must  
15 prove beyond a reasonable doubt in every criminal case is a  
16 defendant's intent. The Court will later instruct you on what  
17 the law requires in terms of proving the defendant's intent in  
18 this case.

19 Do any of you believe you would be unable to assess  
20 another person's intent?

21 In other words, since we cannot read a person's mind  
22 to determine what his or her intent was at a given time, intent  
23 in criminal cases is often proved by the defendants' actions  
24 and the inferences that may be drawn from the circumstances  
25 surrounding those actions.

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 Do any of you believe you would be incapable of  
2 seeking to infer another person's intent from the person's  
3 actions and the surrounding circumstances?

4 One of the potential witnesses in this case is an  
5 individual employed by the United States Federal Reserve  
6 system.

7 Would any of you have any prejudice or bias for or  
8 against a witness employed by the Federal Reserve such that you  
9 could not fairly and impartially consider this witness'  
10 testimony?

11 Again, would you be able to assess that witness'  
12 testimony and credibility just like you would any other witness  
13 in this case?

14 Thank you.

15 And do any of you hold any philosophical, religious,  
16 or spiritual beliefs that would prevent you from sitting in  
17 judgment of another person in this criminal case?

18 All right. Having heard the questions put to you by  
19 the Court, does any other reason suggest itself to you as to  
20 why you could not sit on this jury and render a fair verdict  
21 based on the evidence presented to you and in the context of  
22 the Court's instructions to you on the law?

23 Anyone believe they would not be able to do so?

24 And, again, let me ask this question a different way,  
25 but I'm going to ask it again, because it's an important

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 question, if you're selected to sit on this case, will you be  
2 able to render a verdict solely on the evidence presented at  
3 the trial and in the context of the laws I'll give to you and  
4 my instructions, disregarding any other ideas, notions, or  
5 beliefs about the law that you may have encountered in reaching  
6 your verdict?

7 Does everyone believe they will be able to do so?

8 All right. Thank you. That concludes the Court's  
9 questioning. I think that's sufficient, so I'm going to  
10 conclude the voir dire with those questions.

11 MS. DAVIDSON: Your Honor, may we have a sidebar?

12 THE COURT: Yes.

13 (Bench conference begins.)

14 MS. DAVIDSON: I'm sorry, but I did have two  
15 follow-up questions.

16 THE COURT: What were those?

17 MS. DAVIDSON: For Juror No. 151, I would like to  
18 know what websites she read about this case on.

19 And with Juror No. 28, I would like to know if she  
20 felt like her neighbor was treated fair in that prosecution?

21 THE COURT: Okay. Is that it?

22 MS. DAVIDSON: That's it.

23 THE COURT: All right. Ms. Tucci-Jarraf, did you  
24 have any follow-up questions you wanted to suggest to the Court  
25 based upon the Court's questions?

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 MS. TUCCI-JARRAF: I'm just going to make the  
2 standing due declaration again issued in writing to the court  
3 clerk.

4 THE COURT: Mr. Beane, do you have any additional  
5 questions you want to ask?

6 MR. BEANE: No.

7 THE COURT: Thank you.

8 MR. LLOYD: Your Honor.

9 THE COURT: Wait a second, Ms. Davidson.

10 MR. LLOYD: I will have one motion as to one juror.

11 THE COURT: For cause?

12 MR. LLOYD: Yes, sir.

13 THE COURT: What is that? Go ahead and make it now.

14 MS. DAVIDSON: I didn't bring my --

15 MR. LLOYD: Juror 132 in spot 28 on the back row,  
16 answered on her --

17 THE COURT: I've got 32. Let's just make sure.  
18 Maybe I wrote it down wrong.

19 Julie, can you come up here a second? Seat 28, is it  
20 32 or 132?

21 THE COURTROOM DEPUTY: 132. That's what I have.

22 THE COURT: Juror 132.

23 MR. LLOYD: Thank you, Your Honor. She answered in  
24 the questionnaire that she's never been involved in civil  
25 litigation, but I sued her once.

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 THE COURT: Maybe she's forgotten about that. Want  
2 me to ask her about that?

3 MR. LLOYD: I would rather she be struck. She wasn't  
4 happy about it. It was a collection matter for the Episcopal  
5 school, and her husband had received service and not bothered  
6 to tell her till I started garnishment, so I'm afraid if you  
7 ask her much about it, it would embarrass her.

8 THE COURT: All right. Okay. Question is, if I  
9 strike her, do we need to bring somebody up again in case you  
10 exercise all your peremptory challenges?

11 MS. DAVIDSON: I think we will.

12 THE COURT: All right. Any objection based on what  
13 Mr. Lloyd said?

14 MS. DAVIDSON: No.

15 THE COURT: All right. Any other for cause  
16 challenges?

17 MR. LLOYD: No, Your Honor, not on my part.

18 THE COURT: Thank you. Mr. McGrath or Mr. Beane?

19 MR. McGRATH: No, sir.

20 (Bench conference concluded.)

21 THE COURT: All right. Couple follow-up questions.

22 But, Juror 132, based on some responses, we're going  
23 to let you go for purposes of this case and maybe bring you  
24 back for a future case.

25 So we do need to call up an additional prospective

UNITED STATES DISTRICT COURT



## Jury Voir Dire

1 juror at this time.

2 THE COURTROOM DEPUTY: 122.

3 THE COURT: Morning, Juror 122. I'm not going to ask  
4 you an hour and a half of individual questions, I promise. But  
5 let me, based on all the questions you heard the Court asking  
6 those in the jury box that you now joined, is there anything  
7 you need to bring to the Court's attention that might impact  
8 your ability to function as a fair and impartial juror?

9 PROSPECTIVE JUROR 122: I can be fair and impartial.

10 THE COURT: Any scheduling or other difficulties  
11 sitting for the next four to six days?

12 PROSPECTIVE JUROR 122: No, Your Honor.

13 THE COURT: Any previous involvement with the  
14 criminal justice system?

15 PROSPECTIVE JUROR 122: No, sir.

16 THE COURT: Okay. And what about specialized  
17 training or experience in accounting, the law, or computer  
18 programming?

19 PROSPECTIVE JUROR 122: No, sir.

20 THE COURT: And if you're selected to sit on this  
21 case, would you be able to render a verdict solely on the  
22 evidence presented at the trial and in the context of the  
23 instructions as the Court would give you and your other jury  
24 members?

25 PROSPECTIVE JUROR 122: Yes, sir.

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 THE COURT: And no previous knowledge of this case or  
2 of any of the individuals involved?

3 PROSPECTIVE JUROR 122: No, sir.

4 THE COURT: Okay. Thank you. Give me just a moment.

5 Juror 151, did you indicate earlier you had read  
6 something about this case?

7 PROSPECTIVE JUROR 151: Yeah.

8 THE COURT: All right. If you'd pass the microphone,  
9 whoever has the microphone.

10 Again, I don't know what you read, because you said  
11 you'd be able to put that aside and decide this case based  
12 solely on the evidence. Correct?

13 PROSPECTIVE JUROR 151: Yes, sir.

14 THE COURT: All right. But let me just ask you, to  
15 the extent you read something about this case, I think you  
16 mentioned some websites, do you recall where you might have  
17 read something about the case?

18 PROSPECTIVE JUROR 151: If you just Google their  
19 names, there's all kinds of articles that come up, anything  
20 that's ever been --

21 THE COURT: Okay. So you don't recall specifically  
22 if it was a newspaper website --

23 PROSPECTIVE JUROR 151: No.

24 THE COURT: -- or radio or television station  
25 website?

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 PROSPECTIVE JUROR 151: No.

2 THE COURT: Okay. All right. Do you recall how  
3 extensive your reading was, like...

4 PROSPECTIVE JUROR 151: I know quite a bit about  
5 it --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 151: -- if that's what you want to  
8 know.

9 THE COURT: All right.

10 Do you recall for about how long you may have -- you  
11 know, I mean, was it an afternoon, was it 20 minutes of reading  
12 some things about the case?

13 PROSPECTIVE JUROR 151: Oh, no, no, no. 10, 15  
14 minutes maybe.

15 THE COURT: Okay. And about how long ago was that?

16 PROSPECTIVE JUROR 151: How long ago?

17 THE COURT: Yeah.

18 PROSPECTIVE JUROR 151: When I got my order to appear  
19 today. I started looking through, like, all the cases that are  
20 coming up and what they're about.

21 THE COURT: All right. And so, again, I'll ask you,  
22 could you put aside -- could you just put out of your mind that  
23 10 or 15 minutes of the articles you may have read and not  
24 consider that at all and, instead, decide this case based  
25 solely on the evidence you're going to hear over the next four

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 to six days?

2 PROSPECTIVE JUROR 151: I think it would be pretty  
3 interesting to hear, both sides of it, honestly.

4 THE COURT: Okay. Well, maybe I didn't -- it's just  
5 important -- and, again --

6 PROSPECTIVE JUROR 151: I know. It's important for  
7 me to have an unbiased opinion.

8 THE COURT: And it's just as important for the  
9 jurors -- whoever is selected as jurors in this case to decide  
10 this case only on what you hear from this witness stand, any  
11 stipulations the parties agreed to, and any documents, or other  
12 evidence that the Court admits into --

13 PROSPECTIVE JUROR 151: I think I could have an  
14 unbiased opinion.

15 THE COURT: We have fine reporters in the community,  
16 excellent reporters, but there may be things in a website  
17 article that don't even come into evidence into trial or they  
18 may not pertain to the trial itself. So that's why I guess I'm  
19 honing in, just making sure, one, you understand your  
20 obligation as a juror to decide the case based solely on the  
21 evidence you present at trial, and, two, more importantly, that  
22 you'll be able to -- or as importantly, that you'd be able to  
23 put out of your mind and put aside anything you may have  
24 briefly read about this case before coming to court today?

25 PROSPECTIVE JUROR 151: Yes, I think I can, sir.

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 THE COURT: Okay. All right. And then, let's see,  
2 Juror 28, pass the microphone back there.

3 I just want to follow up on, while the microphone is  
4 being passed back, you mentioned the next-door neighbor who was  
5 involved in -- with the criminal justice system in the federal  
6 courts.

7 And I may have asked this or I may not, I don't  
8 recall, but at least from your perspective or talking with your  
9 neighbor or anything else, do you feel that your neighbor was  
10 treated fairly by the criminal justice system and those  
11 involved in the criminal justice system?

12 PROSPECTIVE JUROR 28: Yes.

13 THE COURT: And, again, would you be able to set  
14 aside that particular involvement and decide this case based  
15 solely on the evidence presented during the course of this  
16 trial?

17 PROSPECTIVE JUROR 28: Yes, sir.

18 THE COURT: Okay. All right. What we're going to do  
19 now is go through the peremptory challenge process. And I'm  
20 going to have -- obviously, the Court has asked a lot of  
21 questions, so I'm going to give government representatives and  
22 counsel and the defendants and their standby counsel the  
23 opportunity to take a few minutes before they submit their  
24 peremptory challenges.

25 It would be best if you stayed in your seats during

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 this process, as you can imagine, because they're looking at  
2 their charts and everything, so if you don't mind that, take  
3 about ten minutes. In the meantime, we're going to turn on  
4 some muffled sound.

5 I don't mind if you all stand up and stretch, engage  
6 in small talk with your seat neighbors unrelated to what's gone  
7 on in court so far, unrelated to this case in any fashion, just  
8 kind of stand back and sit back and relax for the next ten  
9 minutes or so.

10 MR. LLOYD: Your Honor, may we approach?

11 THE COURT: Yeah.

12 They want to approach.

13 (Bench conference begins.)

14 THE COURT: All right. Who wanted to ask to come up?  
15 Mr. Lloyd?

16 MR. LLOYD: Yes, Your Honor.

17 With respect to Juror 151, the one who's Googled --

18 THE COURT: Want her to be dismissed for cause?

19 MR. LLOYD: Yes, Your Honor, because she -- she  
20 indicated that she wanted to hear their side and, of course,  
21 she's not --

22 THE COURT: I'll grant the motion to dismiss.

23 MS. DAVIDSON: I don't object.

24 THE COURT: Okay. Anybody else? All right.

25 (Bench conference concluded.)

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 THE COURT: All right. I do need everybody to sit  
2 back down for a moment.

3 Before we do that, Mr. Lloyd --

4 THE REPORTER: I can't hear you.

5 THE COURT: Julie, you need to turn off the sound.

6 THE COURTROOM DEPUTY: Oh, I'm sorry.

7 THE COURT: After further discussions, Juror 151, I  
8 think given what we've been talking about, I think we need to  
9 save you for another case.

10 PROSPECTIVE JUROR 151: Yay.

11 THE COURT: So we're going to let you go. Which does  
12 mean we're going to have to call up another prospective juror.

13 THE COURTROOM DEPUTY: 30.

14 THE COURT: Good morning, Juror 30.

15 PROSPECTIVE JUROR 30: Good morning.

16 THE COURT: Thank you for waiting patiently. Any  
17 scheduling or other difficulties with serving as a juror over  
18 the next four to six days?

19 PROSPECTIVE JUROR 30: No.

20 THE COURT: And you heard a lot of questions the  
21 Court's asked while you've been sitting patiently in the  
22 audience. Is there any particular question, particularly as it  
23 may relate to any difficulties with your functioning as a fair  
24 and impartial juror in this case that you need to bring to the  
25 Court's attention based on all the questions I've been asking?

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 PROSPECTIVE JUROR 30: My husband is an executive  
2 vice president at a bank, Southern Bank of Tennessee out of  
3 Nashville. He does operations and security.

4 THE COURT: And would that -- thank you for bringing  
5 that to my attention. And tell me again what his title is.

6 PROSPECTIVE JUROR 30: Executive vice president of  
7 operations and security.

8 THE COURT: Do you mind me asking the name, which  
9 bank it is?

10 PROSPECTIVE JUROR 30: Southern Bank of Tennessee out  
11 of Nashville.

12 THE COURT: No involvement, as far as you know, with  
13 the banks that I've identified?

14 PROSPECTIVE JUROR 30: No, sir.

15 THE COURT: Would that employment or position as  
16 occupied by your husband, would that interfere in any way with  
17 your ability to function fairly and impartially in this case?

18 PROSPECTIVE JUROR 30: No, sir.

19 THE COURT: And would you be able to put aside any  
20 discussions you may have had with your husband or anyone else  
21 about the banking industry and decide this case based solely on  
22 the evidence as presented during the course of this trial?

23 PROSPECTIVE JUROR 30: Yes, sir.

24 THE COURT: Other than that, other than your  
25 husband's involvement or employment with the banking industry,

UNITED STATES DISTRICT COURT



## Jury Voir Dire

1 any particular involvement in or specialized knowledge in  
2 accounting, the law, or computer programming or banking?

3 PROSPECTIVE JUROR 30: No, sir.

4 THE COURT: Any previous involvement with the  
5 criminal justice system by yourself, family member, or close  
6 personal friend?

7 PROSPECTIVE JUROR 30: No, sir.

8 THE COURT: And do you know -- do you know of any  
9 reason why you would have strong personal feelings for or  
10 against the federal government or for or against the defendants  
11 in this case?

12 PROSPECTIVE JUROR 30: No, sir.

13 THE COURT: Okay. We're ready then.

14 Now, everyone can relax for about ten minutes or so.

15 (Recess from 11:27 a.m. to 11:56 a.m.)

16 THE COURT: Okay. I believe we're now ready. If  
17 everybody could have a seat. I'm going to excuse you by row,  
18 but I'm going to ask you to -- if I excuse you, to sit in the  
19 audience for a few moments just to make sure I don't make any  
20 mistakes.

21 As I noted, the parties have submitted peremptory  
22 challenges, but we also have either because of -- for a variety  
23 of reasons, in addition to those peremptory challenges, we  
24 ended up with excess jurors.

25 Again, I appreciate in advance everyone's willingness

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 to serve. But let me do this, I'm going to start with the  
2 front row, I'm going to excuse Juror 31, Juror 136, Juror 107,  
3 Juror 158, Juror 169, and Juror 3.

4 On the second row, I'm going to excuse Juror 124 and  
5 Juror 150.

6 On the third row, we're going to excuse Juror 149,  
7 Juror 108, Juror 30, and Juror 129.

8 And then on the fourth row, I'm going to excuse  
9 Juror 28, Juror 146, Juror 110, Juror 122, Juror 143, Juror  
10 137, and Juror 135.

11 I hope that leaves us with 14. We'll double-check.  
12 I did not -- there you go. 13, I messed up. I missed one. Is  
13 that 13?

14 THE COURTROOM DEPUTY: Yes.

15 THE COURT: Hold on a second. I'm going to have to  
16 call one of you back, so don't go anywhere.

17 All right. Juror 135, where are you? In the far  
18 back row. I did not mean to excuse you. If you can come back  
19 up. Thank you. You don't have to go all the way back across,  
20 you can sit next to Juror --

21 PROSPECTIVE JUROR 135: Hey, I'm this far.

22 THE COURT: All right. Now, that should leave us  
23 with 14 jurors, if everybody wants to count with me.

24 All right. This will be our jury to hear the case.  
25 The Court took into consideration the parties' peremptory

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 challenges or utilized the parties' peremptory challenges as  
2 well as excess jurors that were not needed beyond that. So  
3 this will be the jury of 14 to be sworn in to hear the case. I  
4 would ask if you all stand at this time to be given your oath  
5 as jurors specific to this case.

6 THE COURTROOM DEPUTY: If you'll raise your right  
7 hand, please.

8 (Jury was duly sworn.)

9 THE COURTROOM DEPUTY: Thank you.

10 THE COURT: Thank you. You may be seated. Just a  
11 moment, what we're going to do is take a lunch break. I  
12 usually go longer the first time to allow you all to be  
13 oriented to the jury room. And when you come back in, you'll  
14 be in the primary seats and closer together. And Ms. Norwood  
15 and our court security officer will explain that to you during  
16 the break.

17 But we're going to break until 1:30. Let me remind  
18 you, you have been selected to serve as jurors in the case. So  
19 from this point forward, and I'm going to give you some greater  
20 preliminary instructions when we come back.

21 But just remind you, from this point forward, not to  
22 talk about the case among yourselves or with anyone associated  
23 with the case or anyone not associated with the case. And I'll  
24 ask you to keep an open mind as you hear the opening statements  
25 and the evidence in this case, and ultimately the closing

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 arguments, and the Court's legal instructions, all of which  
2 I'll discuss with you shortly after lunch.

3 Just primarily want to caution you not to do any  
4 research about the case or talk with anyone about the case or  
5 among yourselves about the case.

6 So from this point forward, you'll enter and exit to  
7 my right through this door over here.

8 For those in the audience, who either underwent jury  
9 questioning or waited patiently on the benches and were not  
10 called up for potential jury service, I want to thank you for  
11 your -- your responsible behavior in showing up this morning  
12 and being subject to service in this case.

13 As I mentioned, this Court, I believe other judges in  
14 this district have several other trials scheduled over the  
15 coming months, so we look forward to having some of you back in  
16 the courtroom again, offering yourselves for potential jury  
17 service.

18 That being said, we're going to let our jury exit  
19 first. Again, from now on, you'll enter and exit through this  
20 door and get oriented to the jury room and take lunch. And  
21 everyone else can quietly, the other prospective jurors can  
22 quietly excuse themselves as well.

23 THE COURTROOM DEPUTY: All rise, please.

24 (Jury out at 12:02 p.m.)

25 THE COURT: All right. Everyone may be seated just a

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## Jury Voir Dire

1 moment. As you heard me say, we'll recess until 1:30. The  
2 Court will give some further preliminary instructions and then  
3 we'll go into opening statements. Remind everyone from our  
4 discussions last week that the government will go first.

5 Again, if you desire to make opening statements, the  
6 government will go first, and remind -- I have up to 40  
7 minutes. We left this open last week, and I'll ask you now,  
8 I'll ask the individual defendants, do you have an order that  
9 you want me to call upon you for giving opening statements,  
10 Ms. Tucci-Jarraf or Mr. Beane?

11 The government will go first and then I will turn to  
12 one of the defendants for opening statements or Mr. Lloyd,  
13 either one.

14 Go ahead, Ms. Tucci-Jarraf.

15 MS. TUCCI-JARRAF: Thank you.

16 Without prejudice and with the filings -- copies are  
17 going to be coming in right now of the filing in regards to the  
18 earlier oral declaration that I made, the written one is coming  
19 in. So with that notice on the record, just that I have a  
20 standing declaration, I'm going to allow the prosecutors to  
21 just do as they feel they do here today.

22 I'm going to reserve any kind of opening statement or  
23 something to that effect until after they've done and presented  
24 their case.

25 THE COURT: All right. You do not wish to give an

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## Jury Voir Dire

1 opening statement --

2 MS. TUCCI-JARRAF: Without prejudice.

3 THE COURT: -- at this stage of the case? You  
4 reserve opening statement, if any, to the close of the  
5 government's case?

6 MS. TUCCI-JARRAF: Without prejudice, yes.

7 THE COURT: All right. And, Mr. Beane, do you wish  
8 to give an opening statement at the onset of the case?

9 MR. BEANE: I'd like to join in Ms. Tucci-Jarraf's  
10 position and --

11 THE COURT: All right. You also want to reserve  
12 opening statement --

13 MR. BEANE: Yes, sir.

14 THE COURT: -- any opening statement you may wish to  
15 give until the close of the government's case or the  
16 introduction of your case?

17 MR. BEANE: Yes.

18 THE COURT: That's your right as individual  
19 defendants.

20 So, Ms. Davidson, I'll mention that -- I'll go ahead  
21 and mention that to the jury when I talk about the trial  
22 process, that the defendants have reserved any opening  
23 statement until the onset of their cases.

24 So, Ms. Davidson, I believe we gave you up to 40  
25 minutes for opening statement.

UNITED STATES DISTRICT COURT

## Jury Voir Dire

1 MS. DAVIDSON: Yes, Your Honor. Ms. Svolto informs  
2 me she would only like 30.

3 And, Your Honor, at this time, I'd like to move to  
4 strike a statement that I made during voir dire. I  
5 inadvertently said the name of Juror 184. And I'd like the  
6 Court to strike that from the record and have it not published  
7 when the record is published.

8 THE COURT: All right. Consistent with the Court's  
9 practice of referring to jurors in both criminal and civil  
10 cases only by their juror number, the Court will grant that  
11 motion and have the name referenced stricken from the record.

12 All right. Unless there's anything else to bring up,  
13 we'll see everybody back here promptly at 1:30.

14 THE COURTROOM DEPUTY: All rise. This honorable  
15 court shall stand in recess until 1:30.

16 (Recess from 12:05 p.m. to 1:34 p.m.)

17 THE COURTROOM DEPUTY: All rise.

18 THE COURT: Thank you. Everyone may be seated.  
19 Before we bring in the jury, I don't recall that we discussed  
20 at the final pretrial conference the invocation of the rule of  
21 sequestration.

22 MS. TUCCI-JARRAF: Could you repeat that?

23 THE COURT: I don't know -- well, the rule of  
24 sequestration basically requires witnesses or potential  
25 witnesses to be sequestered, in other words, not to be in the

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## Jury Voir Dire

1 courtroom during the course of trial, other than the parties or  
2 party representatives.

3           So I guess unless there's objections otherwise, the  
4 Court is going to go ahead and invoke the rule of  
5 sequestration.

6           MS. DAVIDSON: Your Honor, I do have a motion,  
7 pursuant to that. Federal Rule of Evidence 615 allows in  
8 certain circumstances for -- specifically (c), for an expert  
9 witness who does not testify about the facts of the case, but  
10 rather gives an opinion based upon the testimony of others.  
11 And our forensic account, Zach Scrima, I can't -- I'm so bad  
12 with names, Zach Scrima. Is that how you say it?

13           THE COURT: Scrima?

14           MS. DAVIDSON: Yes. He is -- we move that he be  
15 allowed to sit in the audience.

16           THE COURT: So the Court is going to invoke the rule  
17 of sequestration. Rule 615 of the Federal Rules of Evidence  
18 provides that the exclusion does not apply to the parties, an  
19 officer, or employee of the party who's designated as the  
20 party's representative. Now, you have designated --

21           MS. DAVIDSON: Yes, we have designated as Mr. Parker  
22 Still, and he's testifying first, and then all of the other  
23 agents are not testifying.

24           THE COURT: Okay. So they wouldn't be subject to the  
25 rules, so --

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## Jury Voir Dire

1 MS. DAVIDSON: Yes, Your Honor. So, basically, the  
2 Court will -- does allow a representative of a party, who in  
3 this case is Mr. Parker of the FBI, is the government's  
4 representative, as stated by Ms. Davidson, so he would not be  
5 subject to the rule of sequestration.

6 The government has further requested that their  
7 expert witness, Mr. Zach Scrima -- can you spell that?

8 Yes, Your Honor. It's S-c-r-e-m-a.

9 THE COURT: Mr. Zach Scrima be authorized --

10 MS. DAVIDSON: That's -- I'm having a hard time. My  
11 label is wrong. It's I. S-c-r-i.

12 THE COURT: Mr. Scrima be allowed to remain or not be  
13 subject to the rule of exclusion under Rule 615(c), which  
14 provides a person whose presence a party shows to be essential  
15 to presenting the party's claim or defense.

16 Is there any objection from the defendants to  
17 Mr. Scrima being not subject to the rule of exclusion?

18 Ms. Tucci-Jarraf?

19 MS. TUCCI-JARRAF: Yes, thank you. I would just like  
20 to put for note of the record in response to what you've just  
21 asked is the standing declarations that were filed today on  
22 1/23.

23 THE COURT: All right. Besides --

24 MS. TUCCI-JARRAF: That were handwritten and filed in  
25 response to that. I believe everyone should be transparent and

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## Jury Voir Dire

1 present, so I have nothing further to say.

2 THE COURT: Nothing further besides what's filed?

3 MS. TUCCI-JARRAF: I do ask for a clarification,  
4 though. Excuse me. Is this for -- will this standard be set  
5 for every single witness or just for --

6 THE COURT: Just talking about Mr. Scrima now.

7 MS. TUCCI-JARRAF: Just Mr. Scrima. Uh-huh.

8 THE COURT: Mr. Beane, do you have any response or  
9 objection to --

10 MR. BEANE: No.

11 THE COURT: -- the government's request?

12 All right. Then the Court -- first of all, the Court  
13 will invoke the rule of sequestration. That means that -- and  
14 this applies to all the parties, both the government as well as  
15 the individual defendants, so make sure you hear what I have to  
16 say. This means that witnesses who are not parties or  
17 representatives of parties or also Mr. Scrima, who is not being  
18 excluded under Rule 615(c), but otherwise any witnesses in this  
19 case must not be present from this point forward in the  
20 courtroom.

21 That is, you would need to wait in a witness waiting  
22 room or somewhere outside the physical courtroom until you're  
23 called as a witness in this trial. You must stay out of the  
24 courtroom until having testified and being excluded and must  
25 not discuss the case with other witnesses until the case is

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1 concluded or make any attempt the find out what another witness  
2 may have said on the witness stand during the trial of this  
3 case.

4 So any witnesses who would be subject to that rule  
5 and who have not otherwise been allowed to remain in the  
6 courtroom per previous order of the Court would need to be  
7 excluded at this time.

8 So with that being said, we'll bring in our jury and  
9 the Court will have further preliminary instructions and then  
10 opening statement of the government, and then we'll go into the  
11 evidence testimony at this point.

12 Again, Ms. Svolto, you're giving the opening  
13 statements?

14 MS. SVOLTO: Yes, Your Honor.

15 (Jury in at 1:40 p.m.)

16 THE COURT: Thank you. Everyone may be seated. And,  
17 members of the jury, thank you, and welcome back to the  
18 courtroom. And now that you've been sworn as jurors in this  
19 case, I want to give you some preliminary instructions to  
20 assist you in your participation in this trial.

21 It will be your duty to find from the evidence what  
22 the facts are. You, and you alone, will be the judges of the  
23 facts. You will then have to apply those facts to the law as  
24 the Court will give it to you. You must follow that law  
25 whether you agree with it or not.

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1           Let me also say that nothing the Court may say or do  
2 during the course of this trial is intended to indicate or  
3 should be taken by you as indicating what your verdict should  
4 be.

5           The evidence from which you will find the facts will  
6 consist of the testimony of witnesses, documents, and other  
7 things received into the record as exhibits, and any facts the  
8 parties agree to or stipulate to, or that the Court may  
9 instruct you to find.

10          The parties may sometimes present objections to some  
11 of the testimony or other evidence. It is the duty of a lawyer  
12 or a party to object to evidence that he or she believes may  
13 not be properly offered, and you should not be prejudiced in  
14 any way against the party who makes an objection.

15          At times, I may sustain objections or direct you to  
16 disregard certain testimony or exhibits. You must not consider  
17 any evidence to which an objection has been sustained or which  
18 I've instructed you to disregard. You must base your decision  
19 only on the evidence in this case and my instructions about the  
20 law.

21          And let me remind you in that regard what is not  
22 evidence during the course of the trial. The statements and  
23 arguments of the attorneys or the parties in the context of  
24 representing themselves are not evidence. The questions and  
25 objections of the attorneys or the parties representing

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1 themselves are not evidence. Any testimony I instruct you to  
2 disregard is not evidence, and anything you see or hear when  
3 Court is not in session, even if what you see or hear is done  
4 or said by one of the parties or by one of the witnesses, is  
5 not evidence.

6 Evidence itself may be direct or circumstantial.

7 Direct evidence is testimony by a witness about what  
8 that witness personally saw or heard or did.

9 Circumstantial evidence is indirect evidence, that  
10 is, it is proof of one or more facts from which one may find  
11 another fact by inference.

12 You are to consider both direct and circumstantial  
13 evidence. The law permits you to give equal weight to both,  
14 but it is for you to decide how much weight to give any  
15 evidence.

16 It will be up to you to decide which witnesses to  
17 believe, which witnesses not to believe, and how much of any  
18 witness's testimony to accept or reject. I'll give you some  
19 guidelines for determining the credibility of witnesses at the  
20 end of the case.

21 Now, the trial will proceed in the following order:

22 First, the parties will have the opportunity to make  
23 opening statements. The government may make an opening  
24 statement at the beginning of the case, after which the  
25 defendants may each make an opening statement or may defer

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1 making an opening statement until the close of the government's  
2 case.

3           The Court has been informed in this instance that the  
4 defendants desire to not make an opening statement at the  
5 beginning of the case, but instead to make an opening  
6 statement, if any, at the close of the government's case.

7           Again, none of the parties are obligated to make an  
8 opening statement. The opening statements of the parties are  
9 not evidence and simply serve as an introduction to the  
10 evidence or what the parties anticipate the evidence in this  
11 case will show.

12           Second, the government will then put on its case  
13 against the defendants respectively and introduce evidence in  
14 support of the charges contained in the indictment.

15           Third, after the government has presented its  
16 evidence, each of the defendants may choose to present  
17 evidence, but neither of them is obligated to do so. The  
18 burden is always on the government to prove each and every  
19 element of the offense charged beyond a reasonable doubt.

20           The law never imposes on a defendant in any criminal  
21 case the burden of calling any witnesses or introducing any  
22 evidence. The defendants do not have to prove their innocence;  
23 rather, the government has the burden of proving the defendants  
24 are guilty.

25           Fourth, at the conclusion of the evidence, each party

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## Jury Instructions

1 will have the opportunity to present oral argument in support  
2 of their respective cases. What is said in closing argument is  
3 also not evidence, just as what is said in opening statements  
4 is not evidence.

5 The closing arguments are designed to present to you  
6 the contentions of the parties as to what they believe the  
7 evidence has shown and what inferences may be drawn from the  
8 evidence.

9 The government will give its closing argument first,  
10 then the defendants will each have an opportunity to make an  
11 argument, after which the government has the right to make a  
12 final closing argument.

13 Then, I will instruct you on the applicable law, and  
14 you will then retire to consider your verdict. I remind you  
15 that your verdict must be unanimous and that your deliberations  
16 will be secret.

17 Under the federal system of criminal procedure, you  
18 are not to concern yourself in any way with the sentence the  
19 defendants might receive if you should find either or both of  
20 them guilty. Your function is solely to decide whether the  
21 defendants are guilty or not guilty of the charges against  
22 them. If, and only if, you find either or both of the  
23 defendants guilty of the charges, then it becomes the duty of  
24 the Court to pronounce sentence.

25 During the course of the trial, just a few comments

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1 about your conduct as jurors, since we will be -- since we will  
2 be here over a multiday period. During the course of the  
3 trial, you should not talk with any witnesses or with the  
4 defendants or with any of the lawyers in the case.

5 During the trial, you should not talk about the trial  
6 with anyone else, your family, your friends or the people you  
7 work with. You should also not discuss the case among  
8 yourselves until I've instructed you on the law and you've gone  
9 to the jury room to deliberate at the end of the trial.

10 It is important that you wait until all the evidence  
11 is received and you've heard my instructions on the rules of  
12 law before you begin to deliberate among yourselves. You  
13 should keep an open mind until the close of the case.

14 You should not attempt to gather any information on  
15 your own or engage in any outside reading on the case, and you  
16 should not make any other type of investigation.

17 In short, do not in any way try to learn about the  
18 case outside the courtroom. You as jurors must decide the case  
19 based solely on the evidence presented here within the four  
20 walls of the courtroom. This means during the trial you must  
21 not conduct any independent research about this case, the  
22 matters in the case, or the individuals, or any companies  
23 involved in the case.

24 In other words, you should not consult dictionaries  
25 or reference materials, search the Internet, websites, blogs,

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1 or use any other electronic tools to obtain information about  
2 this case, or to help you decide the case. Again, please do  
3 not try to find out information from any source outside the  
4 confines of this courtroom.

5           Until you retire to deliberate, you may not discuss  
6 the case with anyone, even your fellow jurors. After you  
7 retire to deliberate, you may begin discussing the case with  
8 your fellow jurors, but you cannot discuss the case with anyone  
9 else until you've returned a verdict and the case is at an end.

10           I know many of you use cell phones, iPhones, Android  
11 devices, the Internet, and other tools of technology. You also  
12 must not talk to anyone about this case or use these tools to  
13 communicate electronically with anyone about the case. This,  
14 again, includes your family and friends.

15           You may not communicate with anyone about the case on  
16 your cell phone, through e-mail, iPhone, Android device, text  
17 messaging, or Twitter, through any blog or website, through any  
18 Internet chat room, or by way of any other social networking  
19 website, including Facebook, MySpace, LinkedIn, and YouTube.

20           Now, if you wish, you may take notes during the  
21 course of this trial. You've been distributed notepads, as I  
22 see as you've come back in the courtroom.

23           A couple of mentions about the notes. First of all,  
24 I ask you not to take notes during the opening statements or  
25 closing arguments, because as you just heard me say, opening

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1 statements and closing arguments are not evidence. So I ask  
2 you to restrict your note-taking to the evidentiary portion of  
3 the trial, that is, when the witnesses begin testifying.

4 Also, if you do take notes, leave them in the jury  
5 room at night and they'll be secure. Remember your notes are  
6 for your own personal use.

7 Also, you must not read about this case during the  
8 course of the trial in the newspapers or watch or listen to  
9 television, radio, or Internet reports about the progress of  
10 this case.

11 Again, your decision must be made solely on the  
12 evidence presented at this trial. That is why we restrict any  
13 outside reading to the extent there would be any reports about  
14 the case.

15 Obviously, a juror who violates these restrictions  
16 jeopardizes the fairness of these proceedings and a mistrial  
17 could result, which would require the entire trial process to  
18 start over.

19 Now, the final note, if at any time during the  
20 trial -- I've outlined the general break schedule, but if any  
21 time during the trial you have personal needs that need to be  
22 addressed, or you feel like we need a break outside when the  
23 Court calls for a break, then just get my attention or the  
24 attention of our court security officer, and we'll certainly  
25 accommodate those needs. Again, your comfort is important to

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## Opening Statement by Ms. Svolto

1 us, and we want to accommodate you in any way we can.

2 So thank you for your attention, and we'll now begin  
3 the trial with opening statement from the government by  
4 Ms. Svolto.

5 MS. SVOLTO: Good afternoon.

6 Again, my name is Annie Svolto. And together with  
7 Cindy Davidson, I represent the people of the United States.

8 We're here today because Randall Beane robbed a bank,  
9 and Heather Ann Tucci-Jarraf helped him hide the money.

10 Now, Beane didn't go into the bank, guns blazing, to  
11 physically take the cash. No, Beane, as he says, found a  
12 simpler way to rob the bank.

13 Instead of an elaborate heist, Beane, through the use  
14 of just his fingertips, took money from USAA Bank to purchase  
15 over \$30 million of jumbo CDs using a fake routing number --  
16 excuse me, using a fake bank account number and an actual  
17 routing number in order to trick the system into -- trick the  
18 system into putting \$31 million towards the purchase of a CD.

19 Once he had the money from the CDs into his account,  
20 Heather Ann Tucci-Jarraf helped him hide it. Now, she didn't  
21 hide it under a mattress or bury it somewhere. Instead, she  
22 helped him launder the money through the purchase of assets.

23 So in this case, instead of laundering the money in  
24 some elaborate scheme, instead, Heather Ann Tucci-Jarraf  
25 pretended to be Beane's lawyer, and helped him purchase here a

UNITED STATES DISTRICT COURT

## Opening Statement by Ms. Svolto

1 luxurious motor home worth over half a million dollars and  
2 expensive vehicles.

3 And she did that by making misrepresentations about  
4 the banking system, making misrepresentations about the  
5 validity and source of the funds, all so Beane's purchases  
6 would be honored.

7 And we think the proof will show in the summer of  
8 2017, Beane was desperate. Despite a really good paying job,  
9 Beane had maxed out his credit cards. He owed money on four  
10 late auto loans. He was bouncing checks.

11 And on July 3rd, 2017, Beane asked his bank, the  
12 United Services Automobile Association, for the ability to  
13 defer payment on his loans. He asked the bank to avoid paying  
14 his loans for a little bit. He needed help.

15 The bank declined his request. And so that very  
16 night, Beane put into play a scheme to defraud the banks out of  
17 millions of dollars, or at least what he would hope would be  
18 millions of dollars. And the scheme worked a lot like bouncing  
19 a check, the online version of bouncing a check.

20 First, to make the online purchases, Beane had to  
21 create an account to make the purchases or to pay his bills.  
22 See, Beane didn't want to use his hard-earned money to pay  
23 bills and make expensive purchases. He wanted to trick the  
24 system.

25 And so he created an account in order to pay those

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## Opening Statement by Ms. Svolto

1 bills through his USAA account, and he set up an account using  
2 a fake bank account number and the routing number to the  
3 Federal Reserve Bank. The routing number is supposed to be  
4 unique to a bank account at that bank.

5 So the bank account number that Beane used, that  
6 Social Security number, that was supposed to be a Federal  
7 Reserve account number. But, of course, it is not a Federal  
8 Reserve account number, because, as you'll learn, Beane didn't  
9 have an account at the Federal Reserve. In fact, no one has an  
10 account at the Federal Reserve. That's not what the Federal  
11 Reserve is.

12 So Beane used a fake account number, which was his  
13 Social Security number, and the actual routing number of the  
14 Federal Reserve Bank. And he sent a transmission to pay off  
15 his debt. Those credit cards that were maxed out, those four  
16 auto loans, he tried to pay them, and it worked. It worked  
17 because although the Internet is almost instantaneous, he took  
18 advantage of a member -- service member-oriented bank and  
19 online banking mechanisms and fortuitous timing.

20 And so what happened is, he does these transactions  
21 late at night. And so that wire transmission, using the actual  
22 Federal Reserve routing number makes it appear that there's a  
23 credit for that amount when he goes to purchase -- or excuse  
24 me, pay his bills. So the bills get paid. In fact, he  
25 overpays his credit cards twice. And USAA Bank, they refund

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## Opening Statement by Ms. Svolto

1 that money.

2 USAA Bank, you'll learn, is a military service member  
3 bank. They are only an online bank, so they have services that  
4 are available that are fairly unique to USAA and designed to  
5 help those who are in military service positions, maybe far  
6 away from family, to conduct transactions in an easier, faster  
7 way.

8 Beane benefited from that. Beane benefited from the  
9 fact that he did these transactions late at night. So once  
10 those credit card transactions went through -- excuse me, the  
11 transactions went through, the wire was sent, his credit cards  
12 appeared to be paid, because USAA honored that wire  
13 transaction. And his car loans were paid off, because USAA  
14 honored that wire transaction.

15 Now, Beane doesn't stop there. Beane creates, adds a  
16 new account. Beane adds Trust2 to his USAA account, another  
17 bank account with which to make purchases or pay bills. The  
18 Trust2 account includes the actual number to the Federal  
19 Reserve Bank and another fake bank account. It is very close  
20 to Beane's actual Social Security number, only this time one  
21 number is different.

22 So this time, Trust2, he uses the Federal Reserve  
23 routing number and the second fake bank account number, a bank  
24 account number very close to his Social Security number, but  
25 one digit off. And then Beane uses the same method to

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## Opening Statement by Ms. Svolto

1 purchase, instead of paying off those credit card debts, he  
2 purchases 30 jumbo certificates of deposit, totaling  
3 \$31 million.

4 And he doesn't stop there. Beane then has the  
5 certificates of deposits very quickly liquidated. In other  
6 words, he liquidates those certificates of deposit the very  
7 next morning. The transactions are occurring late in the  
8 evening. The very next morning, he cashes those certificates  
9 of deposits by having those certificates of deposits that he  
10 purchased through USAA with the Federal Reserve routing number  
11 and that second almost Social Security number account.

12 And then he cashes them in. He cashes them in by  
13 having those certificates of deposits liquidated and the cash  
14 go into his actual USAA bank account. So now he's transformed  
15 the certificates of deposits into cash in his bank account, or  
16 at least that's what it looks like online. And, again, USAA  
17 honored the transaction. They gave him the credit for those.

18 And Beane doesn't stop there. The very next day, he  
19 makes purchases. Beane knows this money can be recalled. So  
20 he has to get rid of it. He has to launder it. It has to go  
21 somewhere. So Beane takes the money and he buys an \$86,000 car  
22 at Ted Russell Ford on-site, sticker price. He gives a check.

23 He then goes to Buddy Gregg in Farragut to buy a  
24 \$500,000 motor home. The purchase of the motor home, Buddy  
25 Gregg asked for a wire transfer for that amount of cash. And

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## Opening Statement by Ms. Svolto

1 so at this point, Buddy Gregg has the money that's in his USAA  
2 bank account wired to Buddy Gregg's bank, that's Whitney Bank.

3 So he wires the money to Whitney Bank to purchase the  
4 motor home. The amount of the wire is \$493,000 and change.  
5 And that wire goes through.

6 And then USAA realizes what's going on. They start  
7 closing in. And this is when Heather Ann Tucci-Jarraf gets  
8 involved. Tucci-Jarraf helps Beane make sure that that money  
9 doesn't get recalled. She represents herself as Beane's  
10 attorney. You'll learn that she's not a licensed attorney.  
11 She represents herself as an expert at the highest levels of  
12 finance.

13 She tells the folks at Buddy Gregg that there's  
14 something going on at USAA, some dirty dealing, and she tells  
15 them that the -- she makes representations in phone calls and  
16 e-mails that the funds are valid funds, that the transfer of  
17 funds to Buddy Gregg from Beane's USAA account is valid. And  
18 she does that repeatedly.

19 She also suggests that Beane place his motor home not  
20 in his actual name, but in the name of a trust. And you'll  
21 hear testimony about trust documents that were provided to both  
22 Ted Russell Ford and Buddy Gregg. You'll learn that the Ted  
23 Russell Ford transaction ends up getting unwound because he had  
24 tried to pay by check.

25 But the Whitney -- the Buddy Gregg transaction, that

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## Opening Statement by Ms. Svolto

1 moves forward. And at this point, it moves forward with the  
2 help of Tucci-Jarraf, who gets involved and makes sure Beane's  
3 purchases are honored.

4 So the transactions, the wire transaction to Buddy  
5 Gregg is not recalled. Beane doesn't stop there. At this  
6 point, Beane wants to take immediate possession of the motor  
7 home. He seeks to have it registered in the trust name. And  
8 while USAA is closing in on what exactly happened and getting  
9 the FBI involved, Beane's found inside that motor home, and he  
10 is poised to take off and go.

11 And that's when Beane is finally stopped. After  
12 \$31 million of jumbo CDs are purchased with a bogus bank  
13 account, after he tries to purchase expensive cars and a fancy  
14 motor home, that's when Beane is stopped.

15 And all of this, because of a combination of greed,  
16 desperation, and a criminal sense of entitlement. You'll learn  
17 that the transactions at play here, the use of an actual  
18 routing number, the use of a fake bank account number, you'll  
19 learn all about how that affected the transactions here, how  
20 they went through, how the timing of Beane's transactions, how  
21 the quickness with which he gets rid of the jumbo CDs and  
22 liquidates them, how that all played in to him trying to drive  
23 away with a \$500,000 motor home, all with money he never had,  
24 never earned, never deposited, and never owned.

25 And we're going to ask you to listen to the witnesses

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## Opening Statement by Ms. Svolto

1 in this case. We're going to ask you to look at all the  
2 documents and review it and ask you to use your common sense.  
3 And when you're done using your common sense and reviewing all  
4 the evidence and the testimony in this case, we're going to ask  
5 you to return a verdict. And we're going to ask you to return  
6 a verdict of guilty on all counts.

7 Thank you.

8 (Excerpt of proceedings concluded.)  
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UNITED STATES DISTRICT COURT

**CERTIFICATE OF REPORTER**

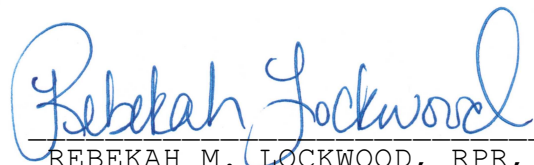
STATE OF TENNESSEE

COUNTY OF KNOX

I, Rebekah M. Lockwood, RPR, CRR, do hereby certify that I was authorized to and did stenographically report the foregoing excerpt of proceedings; and that the foregoing pages constitute a true and complete computer-aided transcription of my original stenographic notes to the best of my knowledge, skill, and ability.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand at Knoxville, Knox County, Tennessee this 17th day of May, 2018.



REBEKAH M. LOCKWOOD, RPR, CRR  
Official Court Reporter  
United States District Court  
Eastern District of Tennessee